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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventieth session

Summary record of the 1612th meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 10 July 2018, at 10 a.m.

Chair: Ms. Leinarte

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Fifth periodic report of Turkmenistan

* No summary records were issued for the 1610th and 1611th meetings.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Turkmenistan (CEDAW/C/TKM/5; CEDAW/C/TKM/Q/5 and CEDAW/C/TKM/Q/5/Add.1)

1. *At the invitation of the Chair, the delegation of Turkmenistan took places at the Committee table.*

2. **Mr. Govshudov** (Turkmenistan) said that the Government had been undertaking a series of reforms aimed at promoting socioeconomic development while further enhancing the role of women in social, political, economic and cultural life. Gender analysis and the monitoring of Turkmenistan's legislation from a gender perspective had shown that progress was being made in many areas, and the process of developing a gender policy was ongoing. A new Constitution had been adopted on 14 September 2016. It included a section of 11 articles on freedoms and rights of citizens that were in line with international law. The amended Constitution took account of the Committee's recommendations to ensure that gender equality was guaranteed at all levels of public life.

3. On 1 January 2017, the Ombudsman Act had come into force. An Ombudsman had been appointed by the parliament in March that year and had been provided with appropriate institutional support. The Ombudsman and his or her deputy enjoyed legal immunity. The Ombudsman was independent of any other State body and represented no political party or other voluntary association. The Ombudsman's mandate included providing for the protection of economic, social and cultural rights.

4. Turkmenistan had crafted a strategy to promote gender equality and sought to bring its legislation into line with generally accepted international standards relating to equality between women and men. The Act on State Guarantees of Equal Rights and Opportunities for Women and Men implemented the provisions of relevant international conventions and would greatly assist Turkmenistan in developing and promoting gender equality in Turkmenistan. It established equal rights for women and men in all areas of political and public life. Of the 125 deputies in the parliament, 31, or nearly 25 per cent, were women. Women were also represented in executive and legislative bodies at all levels; they made up over 20 per cent of the 240 members of the people's councils, 26 per cent of the 1,200 members of the people's councils in districts and municipalities and 22 per cent of the 5,900 members of the local authorities. Women represented 45 per cent of the total active workforce. Some 24 per cent of managerial roles were held by women. In 2017, 43 per cent of the economically active population were women, an increase from the 2016 level. The number of women registered with employment agencies rose from 29 per cent in 2016 to 30 per cent in 2017. Of the total number of women registered as available for work in 2017, 89 per cent were now in employment.

5. The national social and economic development programmes of Turkmenistan integrated the 17 goals of the 2030 Agenda for Sustainable Development. To implement the Agenda, in September 2017, the Institute of International Relations had opened a research centre to study the Sustainable Development Goals. An implementation plan had been approved by the President in November 2017. A high-level national committee and an interdepartmental technical committee oversaw implementation efforts.

6. In addition to its National Action Plan on Gender Equality 2015–2020 and the National Action Plan on Human Rights 2016–2020, the Government had adopted, on 22 June 2018, a National Action Plan on the Rights of Children for 2018–2022. The Interdepartmental Commission on Compliance with the International Commitments Undertaken by Turkmenistan in the Field of Human Rights and International Humanitarian Law was the body responsible for coordinating the measures introduced by the plans. The national plans took account of the concluding observations of the international treaty bodies and the recommendations made under the 2013 and 2018 universal periodic reviews. Turkmenistan engaged actively with international human rights bodies. Turkmenistan had been elected to the Commission on the Status of Women for 2018–2022, the Executive Board of the United Nations Children's Fund for 2018–2020 and of the Economic and

Social Council for 2019–2021. Engagement with those bodies contributed to the Government's efforts to promote gender equality in Turkmenistan.

7. Turkmenistan was combating stereotypical conceptions of women's and men's roles through a range of strategic activities including awareness-raising campaigns on the Convention and media campaigns. In cooperation with the United Nations Population Fund (UNFPA), the Government had organized 30 seminars to promote gender equality during the period covered by the report. An information centre had been established specifically to provide information on human rights issues to all civil servants, and regular seminars and round-table meetings were held to inform the public of the laws governing human rights. In April 2018, under the national action plan on gender equality, the Government published a compilation of documents entitled "The Rights of Women in Turkmenistan: International Legal Instruments and Legislative Acts of Turkmenistan". A teacher's manual on how to raise awareness of gender issues, particularly through the media, had been elaborated, and a course on gender equality had been piloted in Ashgabat University, with a view to holding similar courses in other higher education establishments throughout Turkmenistan. UNFPA had organized a major briefing session on gender issues for journalists, followed by a competition, with awards going to the authors of the best articles on gender equality.

8. The Presidential Academy of Public Administration had included a gender perspective in its middle-level management training programmes, and an information centre attached to the Supreme Court of Turkmenistan ran seminars and workshops for judges to ensure that they were kept informed on gender issues. Under the State policy framework for the development of the judicial system for 2017–2021, approved by the President in 2017, that information centre would be further reinforced. A training programme covering various fields of legislation had been established within the Ministry of Internal Affairs and included a specific module devoted to gender equality and domestic violence. Gender equality, children's rights and other human rights were also covered.

9. In higher education, there continued to be a disproportionate number of men who pursued technical studies. However, the gap had been closing and had narrowed by more than 3 per cent between 2013 and 2017. All educational and vocational training institutions guaranteed equal access for women and men. Efforts were made to attract young people to scientific studies and to participate in sport, and, indeed, Turkmen sportswomen and men had met with considerable success in national and international competitions recently. Educational material reflected gender issues and included, for the senior classes (years 7 to 10), such topics as reproductive health.

10. Turkmenistan did not at present have a specific law on violence against women or domestic violence, and the Government was considering the elaboration of appropriate legislation to protect women from all forms of violence. One of the aims of the national action plan in the field of human rights was to make sure the national legislation criminalized all forms of violence. A current study on domestic violence sought to identify the root causes of the problem, and its results would be either for the introduction of amendments to the current laws or the drafting of new legislation.

11. Human trafficking was uncommon in Turkmenistan. From 2013 to 2017, 23 cases of human trafficking were brought under article 129[1] of the Criminal Code, involving 45 victims. In 2017, only one such crime was recorded. All 23 persons were sentenced as a result. None of the cases involved trafficking in children. The Trafficking in Persons Act had been adopted on 15 October 2016; that Act accorded a particular status to victims of human trafficking and provided a legislative base enabling Turkmenistan to counter human trafficking. The Criminal Code had been revised accordingly.

Articles 1 to 6

12. **Ms. Rana** said that she wished to know how discrimination was defined in national law, whether the law covered intersecting forms of discrimination, what were the prohibited grounds for discrimination and what penalties were imposed for discriminatory acts. She asked whether the State party would commit to adopting a comprehensive law specifically defining and criminalizing all forms of gender-based violence against women, including domestic violence, rape, marital rape, sexual assault and sexual harassment, which would

recognize the intersecting nature of violence and discrimination against women and provide for penalties commensurate with other serious, violent crimes. She would be grateful to know whether there were any timelines for doing so. She wished to learn more about the status of the survey on violence against women referred to in the State party's report, which was still pending approval, and asked when the process of finalizing the survey would be completed. Noting that the title of the survey had changed, she wished to know whether its focus had also been altered. She would appreciate receiving information on which national mechanism or body was responsible for implementing the national action plan on gender equality and details of any monitoring mechanisms to assess activities undertaken.

13. With respect to access to justice, she wished to know what measures Turkmenistan was adopting to promote safe and confidential reporting of crimes and violence against women. The Committee would like to know whether the justice system addressed cases of multiple discrimination against women and, if so, whether those could be covered by a single court or whether cases had to be filed with different courts depending on the grounds. Noting the State party's assurances that national legislation took account of international standards, she asked why it was nevertheless deemed unnecessary to refer to provisions of the Convention in judicial rulings.

14. Article 26 of the Act on State Guarantees of Equal Rights and Opportunities for Women and Men 2015 provided that a person subjected to discrimination on the grounds of sex should have the right to appeal to the competent body. She would be grateful for more information concerning that body, including the number of complaints it had reviewed since its establishment, whether legal aid was available to women wishing to appeal and whether the process for submitting complaints was confidential and gender-sensitive. She also wished to know what remedies were available to women, especially those from rural areas, whose rights had been violated. How did women living in rural areas and women living in poverty gain access to legal services and legal aid?

15. The Committee was concerned at reports from alternative sources regarding the ill-treatment of the relatives of the purported victims of enforced disappearance who had stood trial for a presidential assassination attempt, particularly women who had not received any official documentation or copies of the verdicts against their family members and consequently could not appeal against the sentences imposed. She therefore wished to know what measures the State party would take to ensure that prompt, thorough and impartial criminal investigations were conducted into the alleged enforced disappearances and other human rights violations and whether families would be provided with full, effective and gender-sensitive reparation to address the harm they had suffered, including restitution, compensation and rehabilitation.

16. **Mr. Seyilov** (Turkmenistan) said that, in recent years, a raft of new legislation had been introduced to ensure greater compliance with the country's international law and human rights obligations. The promotion and protection of women's and men's equal rights, opportunities and freedoms was a government priority that was also enshrined in the new Constitution of Turkmenistan, as were provisions guaranteeing equal rights to education, health and employment in the civil service. A clear definition of discrimination on the ground of sex was provided for in the Act on State Guarantees of Equal Rights and Opportunities for Women and Men, which had been adopted in 2015. The law included provisions aimed at protecting women from violence, sexual harassment and human trafficking while also guaranteeing their right to participate in the social, political and public life of the country on an equal footing with men.

17. Pursuant to the Criminal Code of Turkmenistan, penalties commensurate with the seriousness of the offence could be imposed in cases of violence or discrimination against women. For example, kidnapping and forced marriage were punishable offences, as was discrimination on the ground of sex in recruitment processes. Lastly, the national action plan on human rights for the period 2016–2020 set forth penalties for all acts of violence against women, including domestic violence.

18. **Ms. Rana**, recalling the recommendations received by Turkmenistan during its universal periodic review and in the Committee's previous concluding observations (CEDAW/C/TKM/CO/3-4), she would appreciate a reply as to whether the Government

intended to introduce legislation prohibiting domestic violence and, if so, what the specific timeline was for its adoption. She asked whether a monitoring mechanism was in place to assess the effectiveness of the awareness-raising campaigns and seminars conducted by the State party to promote gender equality and combat stereotypes. What impact had they had on the lives of women and girls in Turkmenistan?

19. **Mr. Seyilov** (Turkmenistan) said that a study to ascertain the prevalence of violence against women and its root causes had been developed and a list of selected households to take part in the survey was currently being drawn up. Once the results of the survey were known, proposals to introduce new legislation or amend the existing laws would be drafted in order to help the Government determine whether a specific bill on domestic violence was necessary.

20. **Mr. Haljanov** (Turkmenistan) said that, as far as cases of alleged enforced disappearances were concerned, the Turkmen authorities had met with the Working Group on Enforced or Involuntary Disappearances on several occasions in Geneva. The Government had provided the Working Group with relevant information and would continue to do so.

21. **The Chair**, speaking in her capacity as an expert, said she noted that, according to paragraph 58 of the State party's report, the law guaranteeing equal rights and opportunities for women and men had provided for the establishment of various gender-equality bodies. She would be interested to know more about those bodies; in particular, she wished to know what their current status and financial resources were, whether they constituted a centralized national machinery for the advancement of women with a clearly defined mandate to promote gender equality and gender mainstreaming and what capacity-building had been provided to staff. She wondered which body was responsible for implementing the National Action Plan on Gender Equality 2015–2020 and what was the annual budget allocated for that purpose. It would also be interesting to know the extent to which implementation of that Plan and the National Action Plan on Human Rights 2016–2020 was coordinated. Lastly, she asked whether the State party had taken steps to create an independent national human rights institution, what budget and human resources had been allocated to the recently established Human Rights Ombudsman and whether a dedicated department for gender equality had been set up within a relevant government ministry.

22. **Ms. Nadaraia** said that, despite the introduction of the National Action Plan on Gender Equality, which defined specific measures to improve women's participation in all spheres of public, political, economic, social and cultural life, the periodic report was silent on the outcome of any temporary special measures implemented to accelerate de facto equality between men and women. She wished to know what specific temporary special measures had been implemented to increase women's representation in public and political life, particularly in positions of responsibility and leadership, whether such measures had been evaluated and, if so, what their outcomes had been. Referring to paragraph 8 of the State party's replies to the list of issues, which concerned workplace quotas for persons with disabilities and parents of large families, she asked whether any gender quotas or other temporary special measures had been introduced to boost women's participation in the labour market, in line with article 4 (1) of the Convention.

23. **Mr. Orazov** (Turkmenistan) said that the National Action Plan on Gender Equality included a number of temporary special measures aimed at fostering women's representation at all levels of public and political life, in particular in senior positions. The experiences of other countries concerning the use of gender quotas were currently being studied. All State bodies were required to comply with gender-equality legislation and members of the public had recourse to complaints mechanisms if they had faced discrimination on the grounds of sex. Several executive and municipal bodies monitored the implementation of measures to promote gender equality and reported their findings to the Cabinet of Ministers.

24. The Office of the Human Rights Ombudsman was an entirely independent body; the Ombudsman enjoyed complete immunity in the exercise of his or her official functions. The financial resources of the Office were allocated from the State budget.

25. **Ms. Sysoyeva** (Turkmenistan) said that a working group attached to the Interdepartmental Commission on Compliance with the International Commitments Undertaken by Turkmenistan in the Field of Human Rights and International Humanitarian Law was responsible for ensuring that all national action plans were executed in a coordinated manner. Moreover, it monitored their implementation and submitted reports to the Cabinet of Ministers.

26. Work to draw up a sample of households for the domestic violence survey was under way. Efforts were being made to ensure that persons from all walks of life were properly represented; it should not be forgotten that men, too, could be victims of domestic violence.

27. Temporary special measures had been devised to protect and improve the situation of vulnerable groups of the population. Quotas to promote the employment of persons with disabilities and of parents of large families had therefore been introduced. The effectiveness of such quotas was currently being evaluated.

28. **Ms. Rana** said that, despite the introduction of the Voluntary Associations Act of 2014, on the right of citizens to form such associations, there were reports that women human rights defenders and their families had been subjected to harassment, violence, unlawful detention and restrictions on their freedom of movement. She wished to know whether there were independent women's organizations operating in the country, whether they were able to operate unimpeded and what measures were in place to protect women human rights defenders from reprisals.

29. She would welcome further information on the composition of the interdepartmental technical committee set up to formulate national goals and objectives aimed at achieving the Sustainable Development Goals, particularly the proportion of women members. In that connection, she asked how the National Action Plan on Gender Equality related specifically to meeting Sustainable Development Goal No. 5 on achieving gender equality and empowering all women and girls.

30. **Ms. Serdarova** (Turkmenistan) said that the Women's Union of Turkmenistan was actively involved in all measures and programmes for the advancement of women at the provincial, district and municipal levels. Among other responsibilities, it sought to protect women and children and promote women's active participation in public life. In that connection, it had conducted awareness-raising activities and held seminars and workshops to inform women, especially in rural areas, of their rights under the Convention and of the National Action Plan on Gender Equality. The Women's Union also operated two centres to foster women's participation in business and enhance women's status in scientific fields. Specific measures included providing training workshops, legal assistance and soft loans to boost their entrepreneurship and economic empowerment. Lastly, women victims of violence were also able to benefit from psychological assistance and support in filing complaints.

31. **Ms. Rana** asked whether human rights defenders had full freedom to form groups and express their opinions, how many such groups existed and what rights and freedoms those had. She asked what the timeline was for completing the survey regarding violence against women.

32. **Ms. Serdarova** (Turkmenistan) said that human rights defenders' organizations were required to register with the Ministry of Justice. Various non-governmental organizations and grass-roots organizations dealt with issues relating to women, such as family matters. Hotlines were in place and shelters had been established in Ashgabat for women victims of violence.

33. **Mr. Haljanov** (Turkmenistan) said that everybody had the right to freedom of expression and free speech. His delegation would be pleased to share statistical information on the issue at the afternoon meeting.

34. **Ms. Acar** said that she was concerned that the lack of specific legislation on violence against women was not perceived as an urgent matter and asked what the time frame was for addressing that vacuum in the legal system. She would like data on the number of complaints made under the Criminal Code by women concerning violence

committed against them and information on any corresponding prosecutions and convictions. She asked what steps were being taken to collect sex-disaggregated data on violence against women, taking into account the relationships between the victims and perpetrators. She asked how women who had submitted complaints concerning violence were supported and whether they were offered legal aid, whether a permanent hotline would be set up for women victims of violence and how many shelters were in place for those victims, particularly in rural areas. She asked when the survey on the medical facilities listed by the Ministry of Health and the Medical Industry would be conducted and completed. She would like information on the available training in international human rights standards, including the Convention and the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, for judicial and law enforcement officers, health-care workers and teachers.

35. Highlighting the need to question traditions that curbed women's freedom, she asked whether there were any rules, official or otherwise, governing women's dress code in the public service, whether women were obliged to wear national dress and whether they were prohibited from dying their hair and wearing nail polish, as alternative reports suggested. She asked whether women were required to be accompanied by a male guardian when travelling and whether the police imposed arbitrary restrictions on women's driving and free movement.

36. **Ms. Gabr** asked what impact the State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings Act and the standard operating procedures for the identification of victims of trafficking had had on programmes and funding for assistance for victims, including the provision of free legal aid. She would like details of the training provided to judges, prosecutors and the police on trafficking in persons and the Trafficking in Persons Act, the campaigns launched to raise awareness of trafficking in persons and financial support provided to non-governmental organizations (NGOs) working in that field. She would like more information on the work of the voluntary association that ran the rehabilitation centre and shelter for victims of trafficking in Ashgabat and its sources of funding. She would also like information on reports that public officials had collaborated with traffickers with impunity. She asked what accounted for the discrepancy between the reported decrease in the rate of trafficking in persons and the simultaneous increase in the number of calls made to the hotline for combating human trafficking. She asked what was being done to address the risk of poor women and girls from rural areas, and stateless persons coming from countries of the former Soviet Union, being trafficked for purposes of sexual exploitation. She asked what rehabilitation programmes were in place to help women leave prostitution. She wondered whether surveys would be undertaken to assess the root causes of trafficking and prostitution. Would the Government envisage inviting the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, to visit the country? She asked whether men and women were forced to work without pay during the cotton harvest.

37. **Mr. Orazov** (Turkmenistan) said that the Trafficking in Persons Act had been adopted in 2016 in accordance with international standards and provided for legal, social, medical and psychosocial rehabilitation measures for victims. Specialized government bodies worked to ensure the implementation of that Act in cooperation with NGOs. The National Action Plan of Turkmenistan on Combating Trafficking in Persons for the period 2016–2018 was implemented with the support of international experts, particularly the International Organization for Migration (IOM). Hotlines for victims of trafficking were in place and public information campaigns were led on trafficking in persons. Training was provided for the police and law enforcement agents on procedures for dealing with cases of trafficking and bringing those cases to court, including a training session with representatives from IOM.

38. **Ms. Serdarova** (Turkmenistan) said that national traditions and ethnic minorities' customs were fully protected in Turkmenistan, and all women were free to dress as they chose.

39. **Mr. Orazov** (Turkmenistan) said that under the National Action Plan on Gender Equality campaigns were launched to raise women's awareness of the Convention. In July 2018, the National Presidential Institute of Democracy and Human Rights had held a round

table with the UNFPA office in Turkmenistan and NGOs on gender equality, focusing on rural women's access to reproductive and sexual health care and employment opportunities.

40. **Mr. Haljanov** (Turkmenistan) said that the Government had been working closely with the International Labour Organization to eradicate forced and child labour in the country, particularly with respect to cotton picking, and improvements were being made to agricultural production with a view to eradicating those practices. Provisions in the Labour Code and the Constitution prohibited the use of forced labour, and policies concerning child protection and education prohibited the exploitation of children. Women and children were not involved in agricultural activity during the school year. Where cases of forced or child labour were identified, proceedings were initiated and fines were imposed.

41. **Ms. Rana** asked whether an enabling environment existed to facilitate women's access to information, particularly in the official information centres for women in the country. She wondered whether the monthly women's magazine *Zenan Kalby* (Woman's Soul) could be more widely disseminated in order to reach relevant stakeholders and mainstream issues regarding the Convention and women's rights. What plans did the Government have to engage boys and men more fully in women's rights-related issues?

42. **Mr. Haljanov** (Turkmenistan) said that no person worked without being paid in Turkmenistan. Women were not required to be accompanied by a guardian before they could travel. While prostitution was not a serious problem in the country, the Government was nevertheless working closely with international organizations in that regard. The IOM office in Ashgabat, along with a network of NGOs in the field of trafficking in persons, worked in cooperation with government ministries to provide assistance to victims of trafficking and raise awareness of the issue. A visit from the Special Rapporteur on trafficking in persons, especially in women and children, was being considered within the framework of the National Action Plan on Gender Equality for 2015–2020. The Government was in contact with some special procedure mandate holders and was willing to undertake joint initiatives with them if such opportunities arose.

43. **Ms. Serdarova** (Turkmenistan) said that the Government intended to establish additional shelters for women victims of trafficking over the coming years. Further information and disaggregated data on trafficking would be provided in writing at a later date. The high number of calls to the national trafficking hotline did not signify that the number of trafficking victims had increased, but rather that women had been seeking advice and guidance for a range of different issues. Women had the right to travel unaccompanied and many studied or spent holidays abroad.

44. **Ms. Nadaraia**, noting the low participation of women in political and public life, wished to know what measures would be taken to remove the barriers facing women wishing to enter politics, namely the prevalence of negative gender stereotypes, the limited logistical and capacity-building support offered to women candidates and the enforcement of a strict dress code for women holding political office. She also wondered what efforts had been made to accelerate the equal representation of women in decision-making positions, ensure women's participation in civil society and guarantee the safety and security of women human rights defenders.

45. **Mr. Orazov** (Turkmenistan) said that the Government had adopted various pieces of legislation to promote and uphold the rights of all persons, including women. Political parties, like the rest of society, must abide by those rules. The Constitution provided for the freedom of expression, association and peaceful assembly and guaranteed the economic, social and cultural rights of all persons. Civil society and voluntary organizations faced no restrictions and could operate freely. Access to the Internet had also been made readily available across the country.

46. **Ms. Serdarova** (Turkmenistan) said that there was no dress code governing what women should wear. To increase women's participation in political and public life, the Government had launched the "Woman of the Year" competition which aimed to foster a positive image of women as leaders and entrepreneurs in society.

47. **Mr. Haljanov** (Turkmenistan) said that significant progress had been made towards strengthening women's participation in political and public life. The Speaker of the

parliament was a woman and women held 24.8 per cent of seats in the parliament. Women were also well-represented in government decision-making bodies, including at the local level. Women made up around 45 per cent of the workforce, 23.8 per cent of whom held managerial positions. Two women had also been appointed to serve as the Permanent Representatives of Turkmenistan, to China and to the Permanent Mission of the United Nations in New York respectively, which served as a clear example of how far women could progress within Turkmen society.

48. **Ms. Rana** said that she would like to know what steps had been taken to combat the discrimination and negative stereotypes facing women without Turkmen surnames or Turkmen nationality, including whether action had been taken to promote and uphold their rights, strengthen their participation in political and public life, and sanction websites that published degrading and derogatory articles against them. Further information regarding the measures introduced to accelerate the application process to acquire Turkmen nationality would be welcome in that regard.

49. Noting that the results of the 2012 census had not yet been published, she wondered whether the Government would establish a mechanism to collect and disseminate disaggregated data on refugees and stateless persons. It would be particularly useful to know what efforts would be made to ensure the immediate registration of all births in Turkmenistan, regardless of the nationality or immigration status of the parents, and to establish effective statelessness determination procedures for women and girls in order to promote and guarantee their economic, social and cultural rights.

50. **Mr. Haljanov** (Turkmenistan) said that the Government had granted Turkmen citizenship to more than 18,000 persons in recent years and worked closely with the Office of the United Nations High Commissioner for Refugees to uphold the rights of refugees and stateless persons. The President held regular citizenship ceremonies: some 5,000 persons from 20 different nationalities had been granted Turkmen citizenship during the most recent ceremony. There had been no cases of children born in Turkmenistan who had not been granted Turkmen citizenship.

Articles 10 to 14

51. **Ms. Hayashi**, noting the lack of information available on access to education for women and girls, asked whether steps would be taken to collect in-depth statistical data on the enrolment, completion and dropout rate of women and girls at all levels of the education system. She also wondered what specific measures had been adopted to increase the number of women in higher education, especially in traditionally male-dominated subject areas, and to combat the cultural and social attitudes impeding women's ability to study abroad. It would be particularly interesting to learn what action had been taken to tackle corruption in the university admissions process and uphold women's right to education, particularly women in rural areas, women with disabilities and women from low-income backgrounds. She would also welcome clarification as to whether the sexual and reproductive health education offered to women and girls covered a broad range of issues, including preventing unwanted pregnancies and sexually transmitted diseases.

52. **Ms. Eghobamien-Mshelia** said that she would like further information regarding the impact of the recent national education reforms on women's access to the labour market. She wished to know what specific factors prevented women from taking full advantage of the free education system to acquire the skills and training required to enter traditionally male-dominated industries and what action had been taken to address those barriers to employment. It would also be useful to learn more about progress made under the Act on State Guarantees of Equal Rights and Opportunities for Women and Men to promote women's access to decent work, including with respect to the ratio of women to men employees in male-dominated sectors and the proportion of women studying non-traditional subjects abroad. Further information on the steps taken to promote women's access to vocational training would be particularly welcome in that regard.

53. Noting that the misuse of alcohol had led to a decline in the male population, forcing women to become second or third wives and leading to the underemployment of men, she wondered whether such circumstances had played a role in the low representation of

women in the transport, construction and other industrial sectors and, if so, whether the Government intended to introduce educational programmes and special temporary measures to rectify that situation.

54. **Ms. Chalal** asked what steps had been taken to guarantee women's access to appropriate sexual and reproductive health services, especially effective, modern forms of contraception. It would be interesting to know whether the Government intended to repeal the regulations stipulating that adolescent girls must obtain parental consent to access emergency contraception and abortion services.

55. In the light of the fact that home births had been defined as a criminal offence, she wondered what measures had been taken to facilitate rural women's access to suitable health-care facilities. Further information on the efforts made to strengthen sexual and reproductive health education, including by introducing specific modules on combating sexually transmitted diseases, unwanted pregnancies and gender-based violence against women, would also be welcome in that context. Lastly, she asked what policies had been adopted to ensure prompt access to effective HIV/AIDs screening, diagnosis and treatment services for women and girls and to combat the discrimination and stigma faced by women and girls with the disease.

The meeting rose at 12.55 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventieth session

Summary record of the 1613th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 10 July 2018, at 3 p.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Turkmenistan (*continued*)

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1811454

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fifth periodic report of Turkmenistan (*continued*) (CEDAW/C/TKM/5; CEDAW/C/TKM/Q/5 and CEDAW/C/TKM/Q/5/Add.1)

1. *At the invitation of the Chair, the delegation of Turkmenistan took places at the Committee table.*

Articles 10 to 14 (*continued*)

2. **Mr. Seyilov** (Turkmenistan) said that free education for all was an inalienable right enshrined in the Constitution. Access to vocational training was also guaranteed by the State and university education was provided free of charge. Equality was one of the fundamental principles of the current education policy, which had been introduced in 2013.

3. Similarly, everyone had the right to access State-funded health care and to food and nutrition under the Protection of the Health of Citizens Act. Preventive care and treatment specifically targeted at different segments of society, including mothers and children, were also available.

4. The right to work of all citizens was guaranteed under article 49 of the Constitution. The provision included the right to choose a profession and to have safe and healthy working conditions. It also prohibited forced and child labour. Men and women had the same employment rights and were entitled to equal pay for work of equal value under the country's labour laws. In accordance with the Constitution, the State provided social security for mothers and women with disabilities, among other vulnerable persons.

5. **Mr. Govshudov** (Turkmenistan) said that all citizens of Turkmenistan, regardless of ethnicity, were entitled to study at the country's 25 institutions of higher education or 42 institutions of specialized secondary education. The number of students enrolled in higher educational establishments in the 2017/18 academic year had increased by 14 per cent compared with 2012/13. Students were given the opportunity to study abroad under agreements with education ministries in other countries. In industry-related fields, 21 per cent of students were women, 17 per cent of women studied transport and communication subjects, and 9 per cent studied economics and law.

6. **Ms. Chalal** said that she would appreciate information on the services available to women and girls for the prevention and treatment of HIV/AIDS and the period during which abortions could be carried out legally, which had been reduced from 12 to 5 weeks. According to alternative reports, police officers forcibly conducted gynaecological exams on girls to ensure that the hymen was intact. Where it was not, the girls and their families were publicly humiliated, which, in some cases, had driven girls to suicide. She invited the delegation to comment on whether there was any truth to those reports.

7. **Ms. Hayashi** said that she would like to know what percentage of women studied subjects related to science, technology, engineering or mathematics (STEM), whether university education was free of charge and whether any scholarships were available to ethnic minorities, women with disabilities and women from deprived areas.

8. **Ms. Eghobamien-Mshelia** said that, while she was grateful for the statistics provided by the delegation, she had received no reply to her question on the challenges relating to the recruitment of women in the industrial sector. Were women assured of employment opportunities after they graduated? It would also be helpful to have comments on any training programmes to enable women to make a transition to new fields of work.

9. **Mr. Orazov** (Turkmenistan) said that health sector funding had risen by 65 per cent in the reporting period. Most of that additional spending had been focused on the programme for reproductive, maternal and child health. There had been ongoing efforts under the National Programme on HIV/AIDS to expand access to HIV counselling and testing for various groups and to raise awareness, especially among young people, on preventing the spread of HIV. Free mandatory testing had been introduced for pregnant

women, blood donors and transfusion recipients, medical staff coming into contact with biological fluids and others. A competent body subject to State oversight regulated all measures to prevent the spread of HIV. Groups who were particularly vulnerable to contracting HIV were monitored and a helpline provided them with information and advice.

10. **Ms. Serdarova** (Turkmenistan) said that, if there was a risk of congenital disease, abortions could be carried out in the first five weeks of gestation. Otherwise, abortions could be performed as late as 12 weeks to preserve the health of the pregnant woman.

11. The Women's Union of Turkmenistan and other organizations held sessions in schools to raise awareness among adolescents of the dangers of early pregnancy and other sexual health issues, including HIV/AIDS. Few women gave birth at home; however, those who did subsequently received treatment at clinics or hospitals to assess the health of the mother and baby. Campaigns involving medical professionals and women's groups were carried out across the country, including in remote areas, to raise awareness of cervical cancer and other illnesses that affected women.

12. **Ms. Sysoyeva** (Turkmenistan) said that male infertility was a serious problem in the country and was on the rise. The Government was devoting significant attention to the issue and specialist doctors and other medical professionals had been recruited to tackle the issue.

13. Significant progress had been made in terms of women's employment in recent years. Women made up a large part of the working population and accounted for 30 per cent of the number of persons registered in the country's employment agencies. Of those registered, nearly 90 per cent were employed. The situation was almost the same for women in rural areas. Moreover, the overall wage gap between men and women had been reduced from 13 per cent in 2015 to approximately 10 per cent in 2017. Progress had been made in reforming the national labour laws. For example, restrictions on night work, overtime and business travel for women with children up to three years of age had been lifted. In accordance with the Labour Code of 2009, a list of jobs for which women's employment was subject to certain restrictions was currently under review.

14. **Ms. Acar** said that she would appreciate further clarification of the legal time limit for abortion. If she understood correctly, she took it that abortion was available during the first 12 weeks of gestation but that those who wished to request an abortion within 5 weeks were free to do so. That seemed to her to be obvious.

15. **Ms. Serdarova** (Turkmenistan) said that, in the event of the risk of fetal impairment during the first five weeks of gestation, a board of doctors was called in to determine whether an abortion was indicated. If there was a risk to the health or life of the pregnant woman or fetus, abortion was available during the first 12 weeks.

16. **Ms. Sysoyeva** (Turkmenistan) said that modern technology allowed fetal impairments to be detected earlier on in the gestation period and thus pregnant women to be promptly informed of the risk to the health or life of the woman or fetus.

17. **Ms. Rana** said that she would like to know whether legislation penalized sexual harassment and sex-based discrimination in the workplace, what penalties were imposed on perpetrators and whether there were safe and confidential complaints mechanisms that gave victims access to legal recourse and remedies.

18. **Ms. Eghobamien-Mshelia**, referring to the data provided by the State party in paragraph 221 of the periodic report, asked how women could progress from being predominantly employed in the service sector to employment in higher paid industries, such as construction and skilled farming, and what time frame would be set for women's pay to match men's? The data indicated, for example, that women accounted for 59 per cent of all support staff. Furthermore, she wondered what employment assistance was provided by Turkmenistan to women who pursued higher education overseas.

19. **Ms. Acar** said that she understood that the time frame within which abortion was permitted had been reduced from 12 to 5 weeks and could be extended up to 12 weeks for medical reasons. However, the Committee was interested in learning why that period had been reduced in the first place.

20. **Ms. Sysoyeva** (Turkmenistan) said that the period in which abortion was available was not limited to 5 weeks. Technology had made it possible to detect fetal impairments at the earliest stages of pregnancy. That had not been possible in the past. Women had the right to terminate the pregnancy or decide not to do so. Nevertheless, once a diagnosis of a threat to the health or life of the woman or fetus was made, a medical board could propose within 5 weeks of gestation that an abortion was warranted.

21. **The Chair** said the Committee wished to know whether the legal limit stood at 12 weeks.

22. **Ms. Sysoyeva** (Turkmenistan) said that 5 weeks was a minimum period. Of course, by the 12-week gestation period, it was possible to follow the development of the fetus and determine whether the pregnancy threatened the health of the woman.

23. The data on women employed as professional and support staff contained in table 2 in paragraph 221 of the report did not mean that the 59 per cent of women referred to were working in low paid jobs. To have a clear picture of what the Government was doing to create equal opportunities, it was necessary to consult other data, which had also been provided to the International Labour Organization (ILO) Conference Committee on the Application of Standards. Employment sector and salary were largely determined by education level and qualifications. Frequently, women did not pursue their studies beyond secondary education and basic vocational training, although a number of women did have specialist training and held higher management positions. The Ministry of Labour and Social Protection had set up a commission to consult young professionals with a view to better matching future education and training with job opportunities.

24. The Act on State Guarantees of Equal Rights and Opportunities for Women and Men provided for protections against sexual harassment and violence against women. To date, neither the courts nor government bodies responsible for monitoring compliance with the law on gender equality had received any complaints about sexual harassment in the workplace.

25. **The Chair** asked whether abortions could be performed at a woman's request or only on a doctor's recommendation.

26. **Ms. Eghobamien-Mshelia** said that she commended the Government on the provision of free services, including medical care, water and electricity, and wondered whether this formed part of the Government's plan to meet the Sustainable Development Goals. She asked how all citizens could be provided for in key development areas and what schemes were available to people living below the poverty line. She would appreciate information on the situation of unemployed women in rural areas.

27. She asked how people gained access to free the health care system and whether pre- and post-natal care was provided for under the system, whether beneficiaries required insurance and how efficiently health services were delivered to poor, rural women. It would be useful to know what criteria were used to grant housing allowances, whether they were gender-sensitive and what proportion of women were benefiting from them.

28. Given that many women were in low-earning sectors and did unpaid work, it would be helpful to know whether the Government planned to conduct gender-sensitive assessments of pension benefits and increase its contribution to women's pensions. Did the system extend to informal and rural workers?

29. She asked what measures had been taken to enable unemployed persons and persons with disabilities to become self-employed and undertake entrepreneurial activities. In addition, what targets had been set within the framework of the action plan to fulfil the working rights of persons with disabilities and how did the plan meet women's needs? It would be useful to discover what social and financial services were available to poor and unemployed women and whether the Government had considered initiatives to encourage women to set up businesses, such as granting loans or venture capital. She asked whether the reported restrictions on freedom of movement were denying women opportunities for securing better job opportunities and improved quality of life and whether childcare services existed, notably to reduce women's burden of unpaid care work. Furthermore, she wondered whether the restrictions placed on women's employment in certain jobs included

39. **Ms. Sysoyeva** (Turkmenistan) said that every government department that provided services kept a list of the benefits that it made available to different categories of citizens. Some 90 per cent of women in rural areas were in employment. A major development programme was under way, in accordance with which the Government set social and cultural targets and targets relating to the creation of jobs in certain sectors. As a result of the programme, the health-care sector, the culture sector, the education sector, the food industry and the textile industry were all expanding very quickly.

40. **Mr. Govshudov** (Turkmenistan) said that the State provided childcare services for children up to 6 years of age throughout the country.

41. **Ms. Sysoyeva** (Turkmenistan) said that support was provided to mothers of children aged up to 3 years who wished to look after their children at home. Such mothers could also make use of the childcare services provided by the State.

42. **Mr. Govshudov** (Turkmenistan) said that different types of childcare were available for children under the age of 3 and children aged between 3 and 6 years. When children reached the age of 6, they started primary school.

Articles 15 and 16

43. **Ms. Hayashi**, noting that the minimum age for entering marriage was 18 years for both men and women, said that statistics published in 2016 indicated that around 7 per cent of women had married before reaching the age of 18. In view of that situation, she asked what steps had been taken to implement legislation on the prohibition of early and forced marriage. The Committee would also be interested to learn what measures were being taken to protect women against dowry-related abuse by members of their husband's families.

44. She wished to know what percentage of women entered polygamous marriages and whether such women had any rights to inherit marital property or obtain custody of children when their husband died. Although the Committee welcomed the fact that polygamous marriages had been banned, it urged the Government to take steps to protect the rights of women who had entered into such marriages before the ban had been implemented.

45. She asked what measures had been taken to extend existing legal provisions to couples living in de facto unions, in accordance with the recommendation made by the Committee in its previous concluding observations to the State party (CEDAW/C/TKM/CO/3-4, para. 39 (b)). The Committee would welcome the delegation's comments on allegations that women living abroad who wished to marry foreign nationals were required to return to the State party to obtain the requisite documentation and were then prevented from leaving by the authorities. She asked whether investigations into those allegations would be carried out and what formal or informal obstacles were faced by Turkmen women who wished to marry foreign nationals.

46. Noting that inadequate notice and compensation were given to families whose homes were demolished in the course of urban regeneration programmes, she asked what measures were taken to protect the rights of such families. Although the Government provided compensation to persons who had registered their properties, the properties of many women were unregistered because the authorities had refused to register them. In view of that situation, she asked what steps were being taken to eliminate discrimination against women in the area of property registration, to combat corruption in that area and to provide fair and non-discriminatory compensation to women who had lost their homes as a result of urban regeneration programmes.

47. **Mr. Seyilov** (Turkmenistan) said that gender equality was ensured by legislation governing family relationships. The Government constantly undertook reforms to ensure that it implemented its international legal obligations, including in the area of family relationships.

48. If a Turkmen national wished to marry a foreign national, both parties to the marriage were required to adopt the same nationality. If the parties could not agree on which nationality to adopt, they could seek to resolve the disagreement through consular channels.

49. Under a series of amendments made to the Family Code, families, mothers and children were protected from economic hardship. Men and women enjoyed equal rights when entering into marriage, during the marriage and in the event that the marriage ended.

50. **Ms. Hayashi** said that the Committee was aware that gender equality was enshrined in the law of the State party but wished to know whether the corresponding legislation was fully implemented. It would also welcome further information on the extent to which women were able to obtain access to justice when laws on gender equality were violated.

51. **Mr. Seyilov** (Turkmenistan) said that polygamy was defined and punishable under the Family Code. Persons who wished to marry were required to provide proof that they were not already married.

52. **Mr. Haljanov** (Turkmenistan) said that Turkmen citizens who wished to marry were able to obtain the requisite documentation from national embassies or consulates in other countries, irrespective of whether they were marrying a Turkmen national or a foreign national. Turkmen nationals were not required to return to Turkmenistan in order to obtain such documentation.

53. **Mr. Govshudov** (Turkmenistan) said that the Government was strongly committed to meeting its national and international human rights obligations. Considerable efforts had been made to meet those obligations and to prepare for the interactive dialogue with the Committee. The Government was proud of the history of the country and of the progress that it had made. The dialogue had been very constructive and had provided the delegation with an excellent opportunity to learn from the Committee's experts.

The meeting rose at 4.40 p.m.

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Seventieth session

Summary record of the 1614th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 11 July 2018, at 10 a.m.

Chair: Ms. Leinarte

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Initial report of the State of Palestine

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Initial report of the State of Palestine (CEDAW/C/PSE/1; CEDAW/C/PSE/Q/1 and CEDAW/C/PSE/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of the State of Palestine took places at the Committee table.*

2. **Ms. Alaga** (State of Palestine) said that her country's initial report (CEDAW/C/PSE/1), which had been drafted with the cooperation of civil society, provided an overview of the experience gained, the progress achieved and the challenges encountered by her country in its implementation of the Convention. Women's rights and the principle of gender equality had been enshrined in the 1988 Palestinian Declaration of Independence, reaffirmed by the Palestinian National Council — the legislature of the State of Palestine — and the Palestinian Central Council of the Palestinian Liberation Organization (PLO), and reflected in national policies and strategies aimed at achieving gender equality. With a history dating back thousands of years, her country had been founded on the principles of peace, friendship and coexistence and built on a system of social justice, equality and non-discrimination. The State of Palestine was a place for all Palestinians, no matter where they lived, to develop their national and cultural identity and enjoy full equality of rights. Geopolitical interests and tensions between major political powers, however, had created multiple social and legal frameworks, caused the dividing up of the Palestinian territory and led to the exile of many of its people. Despite the continued and unjust Israeli occupation, the Palestinian people had kept their dignity in the face of such encroachment of their ancient lands.

3. Article 9 of the 2003 Amended Basic Law provided for the right of all citizens to gender equality, equal opportunities and non-discrimination. A number of laws had subsequently been adopted to ensure equality in many areas of life, including in education, health and the justice system. At the current time, the Legislative Harmonization Committee was working to repeal discriminatory legislation and review public policies and services so as to align them with the Convention and other international instruments to which the State of Palestine was a party. For instance, the Committee had recently issued recommendations for the amendment of a law on cybercrime. The country's determination to protect human rights was borne out by its recent accession to, among several other international instruments, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

4. It should be recalled, however, that Israel, the occupying Power, must fulfil its obligations under international humanitarian and international human rights law, comply with the advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory and implement the Convention to uphold the rights of Palestinian women and girls. The Government closely monitored any violations by Israel of the rights of Palestinians and brought them to the attention of the international community. It had also filed complaints with international courts and human rights bodies and, in May 2018, had submitted evidence to prosecutors at the International Criminal Court concerning war crimes and crimes against humanity.

5. In the area of diplomacy, efforts had been made to garner support for international resolutions calling on the occupying Power to uphold its obligations under international humanitarian law and safeguard the inalienable rights of the Palestinian people. Most recently, in June 2018, the General Assembly had adopted a resolution on the protection of the Palestinian civilian population, in which it had deplored the use by Israel of excessive force against Palestinian civilians who had taken part in peaceful protests in East Jerusalem. Other resolutions had been issued on women's rights and on the right to health in the State of Palestine and the occupied territories, including for persons deprived of their liberty.

6. Efforts were being made to strengthen the legal framework and ensure that all international treaties to which the State of Palestine was a party were incorporated into national law. In that regard, a 2017 decision of the Supreme Constitutional Court, which

had ruled that the Convention prevailed over domestic legislation, had been adopted by the parliament. In addition, a bill on the promotion of women's rights had been prepared, the Penal Code had been amended to increase the penalties imposed for offences committed against women and girls and a technical committee had been established to review the country's personal status laws and harmonize them with the Convention.

7. In other areas, the Palestinian Central Council had adopted a decision to establish a 30 per cent quota for women's representation in the PLO decision-making bodies. Measures had also been taken to promote the Sustainable Development Goals, with working groups having been formed to focus on how the country would meet Goal 5 on achieving gender equality and empowering all women and girls. The Ministry of Women's Affairs had entered into a memorandum of understanding with the Central Bureau of Statistics to improve the collection of gender-disaggregated data, with a view to combating domestic violence and bringing perpetrators of violence against women and children to justice. Other measures included the adoption of a gender strategy by the national police and public meetings aimed at transforming societal attitudes. Lastly, the Government had established a monitoring committee with responsibility for providing oversight of the measures that would be undertaken to give effect to the Committee's forthcoming recommendations.

Articles 1 and 2

8. **Ms. Ameline** said it was hoped that the Committee's first dialogue with the State party not only heralded further progress for the rights of Palestinian women and girls but also for the development of peace in the region. Although women had borne the brunt of the suffering in the State of Palestine, they also represented a major force for peace. In that connection, and noting that the Government had acceded to the Rome Statute of the International Criminal Court, she wished to know how and to what extent women participated in investigations of cases referred to that Court.

9. According to the report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to the Occupied Palestinian Territory/State of Palestine (A/HRC/35/30/Add.2), a new constitution was being prepared and was intended to replace the 2003 Amended Basic Law. She therefore wondered whether a constitutional committee had been set up to coordinate that work and, if so, whether it was gender balanced.

10. The Committee was of the view that the Convention was applicable to all persons under the jurisdiction or effective control of a State party and had consistently reminded Israel of its extraterritorial responsibilities. That said, violence against women in the State party was not linked solely to the occupation of Palestinian territory; political division, legal complexity and fragmentation and institutional weaknesses were among other factors contributing to women's insecurity. She would like to know what measures had been taken or were envisaged, including through the use of presidential decrees, to develop comprehensive legal frameworks and strategies to govern and promote women's rights and gender equality, repeal archaic and discriminatory laws and legal provisions, amend the various personal status laws, modernize the Penal Code and introduce legislation to combat violence against women.

11. The Committee was gravely concerned about the situation in Gaza, where the humanitarian crisis had further eroded women's rights. She asked whether the State party was working with the international community to implement the recommendations of the Special Rapporteur on violence against women, its causes and consequences; whether humanitarian organizations had unfettered access to Gaza; and what had been done to protect victims of the violence, in particular refugees, displaced persons and the Bedouin population.

12. The status of the Convention in the State party's legal system required clarification. Although the Supreme Constitutional Court had ruled that the Convention prevailed over domestic legislation, certain legal exceptions had been applied, which seemed to indicate a dualist approach to the application of international law. She would therefore welcome further information on the specific measures taken and timeline envisaged for the

incorporation of the Convention into the domestic legislation so as to ensure that its provisions could be directly applied. She would also be grateful to know whether the Convention would be published in the country's Official Gazette and whether there were plans to strengthen the mandate of the committee set up to harmonize legislation, referred to in the replies to the list of issues (CEDAW/C/PSE/Q/1/Add.1, paras. 2–4), in order to facilitate a systematic review of all legislation, establish a clear legal hierarchy and expedite the adoption of pending bills.

13. **Mr. Awad Ala** (State of Palestine) said that civil society had participated in the preparation of the initial report. A standing ministerial committee had been established in 2014 to follow up on the accession of the State of Palestine to international treaties and instruments and monitor the implementation of the Convention and other instruments. The State of Palestine was currently considering acceding to the Optional Protocol to the Convention. Following a long period of political instability, the Government had managed to put in place a parliament and the Palestinian Central National Council had been given the power to make laws. A legislative harmonization committee had been set up to review and update current laws and oversee the transposition into national legislation and implementation of international conventions ratified by the State of Palestine. Furthermore, various bodies dedicated to improving women's rights had been established. The Government was working in close cooperation with non-governmental organizations to overcome political divisions, particularly in Gaza, and ensure women could exercise their rights.

14. **Ms. Abusaa** (State of Palestine) said that the legal framework of Palestine, which included sharia law, was complex and fragmented. Palestinians were subject to different personal status laws and women's rights were adversely affected. The committee for the harmonization of laws, composed of judges and magistrates from both Gaza and the West Bank, was thus reviewing the country's various laws and overlapping jurisdictions. The Government was working to foster national dialogue and ensure respect for religious pluralism in the State of Palestine. Work was also under way to ensure that all court sentences passed in Jerusalem were valid. Free legal aid was guaranteed to women through the National Legal Aid Commission.

15. **Mr. Awad Ala** (State of Palestine), regarding the question raised on the hierarchy of laws, said that the Supreme Constitutional Court had given a landmark opinion regarding the status of international conventions in national law, decision No. 4 of 2017. It had ruled that such conventions must be incorporated into the law. The decision in question did not, therefore constitute in any way a reservation to any international convention. The Government was committed to implementing the international treaties it had ratified.

16. **Ms. Ameline** asked whether the Government was considering the establishment of a comprehensive and strategic national policy for gender equality and whether urgent measures had been taken for victims of the conflict and women victims of the crisis in Gaza.

17. **Ms. Schulz** said that she would like information on the legal standing of international conventions in relation to national law, including religious law, particularly in view of decision No. 4 of the Supreme Constitutional Court.

18. **Ms. Manalo** said that the provision of decision No. 4 that international conventions were superior to local legislation so long as they were consistent with the national, religious and cultural identity of the Palestinian people constituted, in effect, a reservation to article 4 of the Convention. She therefore asked how the Government would address that inconsistency.

19. **Mr. Awad Ala** (State of Palestine) said that work was being carried out to develop a comprehensive legal framework. Under the national policy agenda for the period 2017–2020, the committee set up to harmonize the laws had begun its review of draft legislation, particularly amendments to the Code of Criminal Procedure, the Penal Code and the Personal Status Code. Decision No. 4 did not constitute a reservation to the Convention, which would be published once it was incorporated into national law.

20. **Ms. Alattrash** (State of Palestine) said that various temporary measures were in place to assist women and girls affected by the conflict, such as the cash transfer programme of the Ministry of Social Development. Under that programme, over 3 million new shekels (NIS) had been distributed to 110 families, over 60 per cent of whom were in Gaza. Programmes to improve women's economic empowerment had also been established. Over the previous year, food supplies had been distributed to around 43,000 families, over 60 per cent of whom were based in Gaza. Emergency assistance was also available, and had been provided to nearly 2,000 families in 2017.

Article 3

21. **Ms. Haidar** said that Palestinian women had been peacebuilders and pillars of society in the face of the aggressive practices against them and their State. Alongside Israeli peace activists, they were working towards peace in the region. She asked what role women played as human rights defenders and in the national plan for the implementation of Security Council resolution 1325 (2000) and how that plan would be monitored to ensure its effective application. She asked how that national plan would address violations of women's rights in the State of Palestine. She wondered what role Palestinian women played in peace and national reconciliation processes and how the Government would address the absence of women at decision-making levels to ensure their participation in peacebuilding. Women's currently poor representation on the legislative harmonization committee should also be redressed.

22. **Ms. Gabr** said that she would like information on the coordination of the various women's rights mechanisms and the budget afforded to the Ministry of Women's Affairs to strengthen women's rights and implement the national plan for the implementation of Security Council resolution 1325 (2000). She asked how the human resources and capacities of the Ministry of Women's Affairs would be strengthened. She would appreciate further information on the monitoring conducted to ensure implementation of the provisions of the Convention relating to the protection of vulnerable groups, such as older persons and persons with disabilities. She wondered how the reduction in vital humanitarian assistance to the State would be dealt with and what support the State envisaged from United Nations agencies and the international community.

23. **Ms. Elhaq** (State of Palestine) said that civil society representatives had been appointed to the Higher National Committee for the implementation of Security Council resolution 1325 (2000), which had approved the national action plan for its implementation. Measures had been taken to implement the plan in all sectoral policies and raise awareness of it among government departments and civil society. Training workshops had been led for women to enhance their participation in decision-making and for women journalists and media professionals to inform them of their rights. Assistance was offered to vulnerable groups such as the Palestinian Bedouin population.

24. With a view to ensuring accountability of the perpetrators of crimes, mechanisms to document violations by the Israeli armed forces of the rights of Palestinian women were in place. Efforts were being made to carry out the relevant United Nations resolutions concerning Palestinian women. Measures had also been taken to improve women's political participation, which included reviews of relevant legislation and awareness-raising campaigns.

25. **Mr. Awad Ala** (State of Palestine) said that women's participation in the Palestinian reconciliation talks held in Cairo in November 2017 had been significant and had contributed to the application of the national action plan for the implementation of Security Council resolution 1325 (2000).

26. **Ms. Hanania** (State of Palestine) said that the Palestinian Central Council had issued a decision to guarantee that women occupied at least 30 per cent of the leaderships positions in State institutions.

27. **Ms. Alaga** (State of Palestine) said that Palestinian women were indeed strong, defending their State and facing imprisonment, torture and widowhood. Women occupied certain high-level positions, such as the governor of Ramallah and some leaders of political parties. However, the fact that women accounted for just over 60 per cent of graduates was

not reflected at the leadership level. Despite limited resources, the annual budget allocated to the Ministry of Women's Affairs had reached US$ 2 million. The State of Palestine depended on donors and international development assistance.

28. **Ms. Alattrash** (State of Palestine) said that a social development strategy for the period 2017–2022 had been adopted to protect and ensure the inclusion of vulnerable groups of women, including older women and women with disabilities. The Government was studying ways to reduce its dependence on international humanitarian assistance. An independent commission on economic empowerment, composed of young persons, persons with disabilities and women, among others, had been established. It had been afforded a significant budget and was charged with helping families to lift themselves out of poverty.

29. **Ms. Ameline** asked how the composition of the courts, especially in rural areas with limited access to justice, would be improved and how effective training on the Convention for judges could be ensured. The Government might consider availing itself of international assistance to develop training programmes on gender equality.

30. **Ms. Gabr** asked which bodies were responsible for disseminating and monitoring the implementation of the Convention and the Committee's concluding observations.

31. **Ms. Haidar** said that she would still like to know how women were involved in decision-making in relation to the national plan for the implementation of Security Council resolution 1325 (2000). It was important that women participated in negotiations following the Cairo reconciliation talks between Palestinian factions.

32. **Ms. Manalo** asked whether tools were in place for the inspection and evaluation of the national plan for the implementation of Security Council resolution 1325 (2000) and the monitoring mechanism related to that plan. She would like information on the sex-disaggregated data and gender-oriented budget necessary to give effect to the plan.

33. **Mr. Awad Ala** (State of Palestine) said that the Office of the United Nations High Commissioner for Human Rights (OHCHR) country office in the Occupied Palestinian Territory served as the link between the State of Palestine and the international community and was responsible for providing technical assistance to Palestinian governing institutions, with a view to enabling the State to fulfil its international treaty obligations. As part of that arrangement, training courses on human rights and international conventions, including the Convention had been offered to government officials and relevant civil society representatives.

34. **Ms. Salhieh** (State of Palestine) said that the Government remained committed to promoting women's access to justice. It had launched several initiatives aimed at raising awareness and preventing gender-based violence against women and had strengthened and harmonized legislation to combat domestic violence. Women victims had the right to justice and redress under the Penal Code.

35. **Ms. Alhabbash** (State of Palestine) said that efforts had been made to combat negative gender stereotypes and harmful cultural practices against women within the sharia court system. Some 13 sharia courts had been established to serve vulnerable and marginalized women, 2 of which were located in the West Bank. Training sessions on preventing and combating domestic violence had also been held for sharia court judges and prosecutors. Between 2014 and 2017, 14 support offices had been established to provide free legal advice and assistance to women victims of violence. New legislation to combat gender-based violence had also been drafted and awareness-raising campaigns on domestic violence had been conducted across the State.

36. **Mr. Awad Ala** (State of Palestine) said that the Government remained committed to working in close cooperation with the international community and civil society to promote women's rights. The Ministry of Women's Affairs had taken the lead role in coordinating efforts to that end.

37. **Ms. Nassar** (State of Palestine) said that the Government had drafted a bill to combat domestic violence which took into account the Committee's most recent recommendations in that area.

Article 4

38. **Ms. Acosta Vargas**, welcoming the State party's use of quotas to increase the number of women in political and decision-making positions, said that she would like to know whether the Government would adopt additional temporary special measures in order to promote women's participation in economic, social and cultural life.

39. **Ms. Salah** (State of Palestine) said that the Government had made concerted efforts to combat discrimination against women in the labour market, including through the introduction of a 5 per cent quota for women with disabilities and other concrete measures aimed at promoting women's employment.

40. **Ms. Haidar** asked whether the Government had adopted a general policy on temporary special measures aimed at combating all forms of discrimination against women.

41. **Mr. Awad Ala** (State of Palestine) said that programmes had been devised to combat discrimination and promote women's participation in political and public life. The Government had also adopted a general policy on temporary special measures aimed at combating all forms of discrimination against women.

Article 5

42. **Ms. Gabr** said that she would like to know what measures had been taken to combat negative gender stereotypes against and discriminatory cultural attitudes towards women, particularly in the education and justice sectors. Welcoming the progress made towards defining honour crimes and marital rape as offences, she wondered when the Government would harmonize legislation relating to women's rights and their protection from gender-based violence, particularly in the West Bank and the Gaza Strip. She would appreciate further information regarding the training provided to judges, magistrates and lawyers and staff working in women's shelters on the provisions of the Convention in that regard. It would be particularly useful to hear what steps had been taken to implement the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19.

43. **Ms. Nasser** (State of Palestine) said that the Ministry of Education and Higher Education had amended the national school curriculum and issued revised school textbooks at all levels of the education system with a view to countering negative gender stereotypes. Efforts had also been made to increase the number of women and girls attending vocational training courses and strengthen their representation in non-traditional fields of education. The Government remained committed to eliminating violence against women and had implemented a number of measures to implement the Committee's general recommendation No. 35.

44. **Ms. Ayyad** (State of Palestine) said that police officers and members of the judiciary attended training and awareness-raising courses on the provisions of the Convention and on combating gender-based violence against women. Civil society organizations and international partners had participated in the organization of such training and capacity-building activities. Previous training courses had included modules on interviewing techniques and psychosocial support for women victims of violence.

45. **Ms. Nassar** (State of Palestine) said that numerous measures had been taken to combat negative gender stereotypes in the media. Training on promoting gender equality and combating social, cultural and traditional attitudes that perpetuated harmful gender stereotypes had been provided to media organizations. A national media campaign to combat gender-based violence against women had also been conducted in 2017.

46. **Mr. Sharqawi** (State of Palestine) said that the Ministries of Justice and Social Development had drafted a bill to combat gender-based violence against women which had been put before the parliament. The Government had also worked closely with international partners to tackle all forms of violence and discrimination against women and girls.

47. **Ms. Alattrash** (State of Palestine) said that staff working in shelters were fully qualified and had been specially trained to support women victims of domestic violence and trafficking, including women with disabilities.

48. **Mr. Awad Ala** (State of Palestine) said that further information on article 5 would be provided in writing at a later date.

Article 6

49. **Ms. Hofmeister**, noting the important role played by the President in the implementation of the Convention, asked what steps had been taken to accelerate the process of issuing presidential decrees to incorporate the Convention's provisions into national legislation. She also wished to know whether the Government intended to define child prostitution and pornography as offences and adopt measures to combat the exploitation of and trafficking in women and girls, including through the development of a comprehensive national anti-trafficking plan. Further information regarding the mandate and composition of the national team tasked with drafting anti-trafficking legislation and the steps taken to share information and best practices on combating trafficking with neighbouring countries would be welcome in that context.

50. **Mr. Awad Ala** (State of Palestine) said that the process of bringing the State of Palestine's legislation into line with the Convention was still in its early stages: shortcomings in the legislation remained. A national committee against drugs and crime was working with the United Nations Office on Drugs and Crime (UNODC) to put in place the measures and policies required to counter human trafficking. The State of Palestine had issued an open invitation to all United Nations special procedures mandate holders to visit the State of Palestine to allow the country to profit from their advice in the reform of the legal system. The Permanent Representative of the State of Palestine to the United Nations Office at Geneva had issued an invitation to the Special Rapporteur on trafficking in persons, especially women and children, to visit the country to help review its legislation in the area of trafficking.

51. **Ms. Wahdan** (State of Palestine) said that the crime of human trafficking was not yet clearly defined in her country's legislation. The Government acknowledged the seriousness of the crime, which was a transnational issue. It was reviewing the legislation in the light of the Arab Strategy for Combating Trafficking in Human Beings and the Arab Model Law against Human Trafficking, with support from UNODC. The legal team carrying out the review was joined by civil society partners. While there was no specific law on trafficking, work was under way to draft such legislation that would draw on the Penal Code of Jordan, No. 16 of 1960, which contained a number of articles that were applicable to trafficking. It should be recalled that the State of Palestine did not control its own borders, and human trafficking took place in areas under the control of the Israelis.

52. **Ms. Abusaa** (State of Palestine) said that the State of Palestine would require international cooperation and support in updating its legislation. Regional cooperation was required to tackle the issue of girls being sold for marriage. In 2017, there had been six cases of girls under the age of 14 years being taken across a border for the purpose of marriage. The occupying authorities should introduce measures to prevent underage Palestinian girls from being transported into another country for that purpose.

53. **Ms. Alattrash** (State of Palestine) said that her country provided many services to women victims of trafficking on condition that they agreed to enter protection centres and ceased any involvement in prostitution.

54. **Ms. Salhieh** (State of Palestine) said that the Penal Code of Jordan contained articles specific to prostitution, brothels and child pornography. The unlawful marrying of underage girls was a crime provided for under the personal status laws and the Penal Code. The legal framework covering human trafficking already existed, and the Government was working to bring it into line with the Convention.

55. **Ms. Hofmeister** said she would be grateful if the Government could provide written statistics on the number of cases of violence against women dealt with by the courts.

56. **Ms. Salhieh** (State of Palestine) said that the State of Palestine was collecting data on gender-based violence and could provide disaggregated statistics. The documentation included crimes that were committed under the Penal Code; there were cases of femicide,

sexual abuse, rape, adultery, suicide and attempted suicide. She would provide the statistics in written form at a later date.

Articles 7 and 8

57. **Ms. Acosta Vargas**, referring to the issue of women's participation in political life and to the 30 per cent quota that had been set by the Palestinian Central Council as an objective in March 2015, said that she wished to know what were the tangible steps the Government was going to take to reach the 30 per cent figure. The Committee had observed that, where such quotas were put in place and sustained, they opened up genuine possibilities for progress towards parity. In respect of the Government's 2017–2022 Cross-Sectoral National Gender Strategy: Promote Gender Equality and Equity, she asked what steps had been taken to promote women's access to decision-making positions in the executive. She also wished to know what proportion of the constitutional drafting committee was made up of women. With reference to the national reconciliation process, which would lead to a general election and the formation of a national unity government, she would be grateful to know the extent to which the State of Palestine was committed, firstly, to ensuring a minimum level of participation by women in the elections and, secondly, to the Palestinian legislative body attaining a composition of at least 30 per cent women. She asked whether the Government was taking concrete measures to increase the level of women participating in the security sector, which was reported as very low, and whether Palestinian political parties had responded to the appeal to include women and female leaders in their delegations. Noting that very few women represented the State of Palestine internationally, either as diplomats or on international bodies, she wished to have information on measures that the Government had taken or would take to ensure equal access of women to posts at international level.

58. **Mr. Awad Ala** (State of Palestine) said that nothing prevented women from participating in political life in the State of Palestine. A number of laws had been enacted to reinforce women's participation and to prevent discrimination in employment. Reaching a leadership position in governmental bodies, for both women and men, depended on the number of years of service completed. While there were only eight Palestinian women ambassadors, each held a key post. For example, the Ambassador representing the State of Palestine in The Hague and before the International Court of Justice was a woman. At the permanent missions both in Geneva and in New York, the staff was more than 50 per cent women; the European Unit in the Ministry of Foreign Affairs and the Protocol Unit were both under women directors; the total proportion of women in the diplomatic corps below ambassadorial level was more than 50 per cent. That meant that, in a few years, when they had accumulated the years of service, many women would be promoted to the post of ambassador.

59. **Ms. Elhaq** (State of Palestine) said that nothing prevented the participation of women in the legislature and in the drafting and elaboration of laws, including the Basic Law. The 30 per cent quota applied and all measures must be taken to implement it. The Cross-Sectoral National Gender Strategy included increasing women's participation in political life. The Ministry for Women's Affairs was working to produce a strategy to bring the legislation into line with international standards so as to increase women's participation, to raise awareness of gender equality, to increase cooperation at all levels between international institutions and women's institutions in the State of Palestine, to improve information technology and to encourage women's involvement in student unions in universities. The share of women in PLO stood at 46 per cent.

60. **Ms. Wahdan** (State of Palestine) said that the government strategy was to increase the number of women working in the security forces. For that purpose, the Government was seeking to enlist 750 women for the 2017–2020 period, who would constitute a majority of new recruits.

61. **Ms. Acosta Vargas** said that the Committee would be grateful for details of measures taken to give women better access to positions of authority and to encourage women to identify with roles of authority, not only in the police or security forces, but high profile positions in the legal profession.

62. **Ms. Manalo** wished to know whether Palestinians were represented on the diplomatic staff within the United Nations system and, if so, what the proportion was of Palestinian men to women.

63. **Mr. Awad Ala** (State of Palestine) said that he understood that jobs in the United Nations system were mostly available to States Members of the Organization. The State of Palestine was exploring the possibility of seeking representation on one or more of the human rights treaty bodies, but so far had not obtained such representation.

64. **Ms. Alaga** (State of Palestine) said that the national plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security stipulated the principle of equality between women and men and the importance of women obtaining posts at decision-making levels. While 61 per cent of university students were women, in public office, the percentage of men was greater and, at the higher level, only 11.4 per cent were women. The State of Palestine acknowledged the difficulties in achieving its objective, though progress was visible. Women had proved their potential in employment but traditional stereotypical images of women persisted when it came to recruitment. The Government was therefore engaging with the media to change attitudes.

65. **Ms. Salhieh** (State of Palestine) said that 3 higher court judges, 5 court of appeal judges, 10 court of the first instance judges, and 11 magistrates' court judges were women, totalling 37. The first woman judge had been appointed in 1988 and currently sat on the country's supreme court. In the Office of the Public Prosecutor, out of a staff of 162 persons, 33 were women, including 5 senior-level prosecutors. The law set out criteria for the appointment of judges and did not discriminate between women and men. If those criteria were respected, and subject to the necessary competition prior to appointment, measures could be put in place to achieve 50 per cent representation of women judges.

66. **Ms. Abusaa** (State of Palestine) said that innovative solutions should be sought to increase the numbers of women in the sharia courts. It was only since 2009 that women had been employed in those courts, and there were only four women judges administering sharia law. As a result of their recent entry into the sharia courts, women's promotion to higher posts would be delayed.

67. **Ms. Gabr** said that the Committee would appreciate receiving statistics on women's participation in the judiciary in percentage form rather than in numbers employed. Regarding the 30 per cent quota that had been adopted, she wished to know if it would be implemented at the municipal level.

Article 9

68. **Ms. Nadaraia** said that the Committee would appreciate information on the restrictions on the right to nationality arising from the occupation and whether it prevented the relevant State agency from fulfilling its role in conferring Palestinian nationality and residency in accordance with the law. Though the law was clear on the rights of Palestinian women to grant Palestinian nationality and residency status on their children at birth, their ability to do so was reported to be restricted. She asked whether the delegation could elaborate on those problems and also on the problem of stateless women.

69. **Mr. Awad Ala** (State of Palestine) said that, under Palestinian law, Palestinian women passed on their nationality to their children regardless of the nationality of the husband, and the same applied to a Palestinian husband with a foreign wife. There were no internal barriers to passing on Palestinian nationality. However, the State of Palestine had no control over its territory because of the Israeli occupation. The Palestinian registry was unable to register a birth and give Palestinian nationality to a child without obtaining prior approval from the Israeli authorities. If the approval was not granted, it was impossible to issue an identity card for the child. The Government was considering elaborating a law on nationality and incorporating relevant provisions in the new constitution but the practical difficulties would remain as long as the Israelis retained control of the Palestinian registry.

70. **Ms. Haidar** said she would be grateful for information on what happened in the event of the demolition of the house of a person without documentation. She wished to know where those persons went as a first step, and what possibilities were available to them

to obtain registration through the Palestinian registry. The question of obtaining nationality was fundamental to enjoyment of all other rights, and the Committee would welcome further information in that regard, including as to whether the question was covered under the national action plan for the implementation of Security Council resolution 1325 (2000).

The meeting rose at 1 p.m.

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Seventieth session

Summary record of the 1615th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 11 July 2018, at 3 p.m.

Chair: Ms. Chalal (Vice-Chair)

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In the absence of Ms. Leinarte, Ms. Chalal, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Initial report of the State of Palestine (*continued*) (CEDAW/C/PSE/1; CEDAW/C/PSE/Q/1 and CEDAW/C/PSE/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of the State of Palestine took places at the Committee table.*

Article 9 (*continued*)

2. **Mr. Awad Ala** (State of Palestine) said that the occupying Power imposed unjust measures on Palestinian citizens living in Jerusalem, requiring them, for example to carry a residence permit in their own land, forcibly displacing them from their homes, destroying their houses and confiscating their identity documents, in violation of international law. Such actions had been used by the Israeli authorities to displace Palestinians and were tantamount to a war crime. His Government would continue to seek justice at the international level to protect Palestinians from such violations, as they could amount to crimes against humanity. The Government also provided direct support, including legal assistance, to its citizens in Jerusalem so that they could remain in the city and retain their identity documents.

Article 10

3. **Ms. Song**, noting the State party's achievements outlined in its initial report (CEDAW/C/PSE/1), said that she would like to know what further steps the Government would take with regard to girls, including those in rural areas, to address the root causes of their inadequate access to and premature departure from school. Furthermore, it seemed that the Education Act, adopted in 1964, had never been revised: did the Government plan to review it with a view to amending any discriminatory provisions?

4. Social expectations of gender roles influenced study choices; indeed, declining numbers of girls pursued the sciences and engineering, thus creating gender segregation in higher education and the labour market. Measures were needed not only to encourage girls to take up non-traditional subjects but also to build general cultural acceptance of gender equality. She asked whether the Government had a gender equality strategy for higher education. It would be helpful to learn whether tuition fee waivers had been granted to encourage both boys and girls to pursue studies in the sciences and, if so, how many girls had benefited. Would the Government include examples of outstanding women, including scientists and engineers, in textbooks and had both trainee and qualified teachers been given gender-equality training?

5. **The Chair**, speaking in her capacity as an expert, said that the quality and availability of sex education was reportedly insufficient. Although she could understand it was a sensitive subject, it was essential to provide age-appropriate sex education at all levels for both boys and girls and to train teachers. It would be interesting to learn whether a study would be carried out to determine the impacts of early pregnancy on girls and to better understand its root causes. She asked whether the Government planned to conduct awareness-raising about the negative consequences of early pregnancy and child marriage. What did the State party intend to do to compensate for inadequate sex education and Palestinian women's lack of awareness about family planning?

6. **Ms. Nasser** (State of Palestine) said that the Government had modernized education laws with a view to harmonizing national and religious values with the principles enshrined in international human rights conventions. Corporal punishment was prohibited and education for all was guaranteed; indeed the Government was particularly focusing on the inclusion of children with disabilities and abused children. The minimum age for leaving school was set at 14, with penalties, including prison sentences, for failing to enrol a child or removing a child from school before he or she reached the minimum school-leaving age.

7. Dropout rates were higher for male students, and her delegation could provide the Committee with gender-disaggregated data on those rates in writing. Continual attempts were made to keep both girls and boys in school. Factors responsible for dropout rates included the Israeli authorities' policies, which affected girls' ability to go to school safely, along with disabilities and early marriage. Measures to lower dropout rates included providing safe transport, making education programmes available for girls in hospital and opening schools in remote areas, as even a caravan could serve as a small classroom. Matching education and training with the labour market's needs presented a challenge that affected both girls and boys. The Ministry of Education had consequently focused on vocational training in its five-year plan and would broaden other study options. The Government strove to provide quality education. Mixed primary schools were available and studies had been conducted on gender segregation and performance.

8. The Government was in favour of sexual health education, partly as a means of combating stereotypes. The curriculum was under review and many programmes were available, on hygiene and adolescent health, for example, while training was provided for both students and teachers.

Article 11

9. **Ms. Manalo**, noting that the Labour Act and Civil Service Act did not make specific reference to gender-based discrimination or gender equality, said that she would like to know whether the Government would consider taking urgent action to amend those two laws to address that shortcoming. Neither act covered sexual harassment in the workplace, nor was it dealt with under the Penal Code. Without such provisions, she failed to understand how the State party could give women equal access to the labour market and ensure their rights to employment were not violated.

10. She asked why the Civil Service Act did not refer specifically to the right of women to equal pay for work of equal value. Some women in the workforce, including domestic workers and those employed in the informal sector, were not protected by the laws. The State party thus needed to take steps to promote women's participation in the labour market. In addition, a minimum wage in both the formal and informal sectors needed enforcement. More generally, she asked how received ideas about men and women's roles in the household could be overcome to close the gender wage gap.

11. Given that the provisions of the Labour Act concerning occupational training and guidance made no mention of discrimination and that the vocational training provided for women under the Ministry of Labour reinforced stereotypical roles for women, it would be useful to know how the State party intended to encourage more women to enter into new fields of study. She would also welcome an account of the State party's plans to foster women's participation in the private sector and entrepreneurial activities. In addition, she asked, in the light of information supplied by alternative sources, what the Government envisaged doing to find work for the more than half of women with over 13 years of education who were unemployed.

12. Referring to article 13 of the Labour Act, which stipulated that the labour force should be made up of no less than 5 per cent of persons with disabilities, she wished to know what steps had been taken to ensure that a fair share of Palestinian women with disabilities found decent employment.

13. **Ms. Salah** (State of Palestine) said that, with the Labour Act of 2000, the State of Palestine had abided by the spirit of International Labour Organization (ILO) conventions, despite not having membership. However, as the relevant legislation was not gender sensitive, approximately 30 labour laws were currently under review. The Government had identified a number of steps that needed to be taken, including coming up with a definition of discrimination in the workplace, establishing an effective complaints mechanism for women who had been subject to discrimination, outlining criteria in order to prosecute persons who practised discrimination and determining the scope of the law, including whether it would extend to domestic workers and employees working in the informal sector, for example.

14. Legislation did not deal directly with violence against women, including sexual harassment, in the workplace, but she hoped that labour law would be amended to remedy that gap within two years. The Government acknowledged that it needed to accelerate the process of harmonizing laws on social security and labour laws before provisions on workplace harassment could be introduced.

15. Although the Labour Law stipulated that equal pay should be earned for equal work, that Law had not been harmonized with the relevant ILO conventions. The gender wage gap varied from profession to profession. The social security law provided for 12 weeks of maternity leave on full pay while the labour law provided for 10 weeks. Legislative amendments would need to be made to address the fact that women workers engaged in agricultural work in rural areas were usually not registered as employees and therefore were not entitled to social security coverage. The existing legislation did not provide for the distribution of responsibilities among family members. It would be necessary to amend the law to address the fact that men often enjoyed better career opportunities than women because they were less likely to be called on to care for other family members.

16. **Ms. Salhieh** (State of Palestine) said that, although current legislation did not provide for a clear definition of sexual harassment, the adoption of such a definition would lead to the criminalization of many forms of violence against women. It would be necessary to make legislative amendments in order to extend protection against sexual harassment to domestic workers.

Article 12

17. **The Chair**, speaking in her capacity as an expert, said that a number of factors, including the geographic distribution of health services and restrictions on the movement of Palestinians restricted women's access to health care and the authorities' ability to provide services. She asked how the Government would reduce the annual maternal death rate in line with the Sustainable Development Goals. The Ministry of Health gave priority to family planning and prenatal care; however, it was important to ensure that provision was made for women's other health needs. It would be useful to discover the root causes of a reported gender-based gap in the number of medical referrals issued by the Ministry of Health.

18. It would be helpful to know how the legislative harmonization committee referred to in replies to the list of issues (CEDAW/C/PSE/Q/1/Add.1, para. 4) would ensure that female victims of sexual abuse received emergency treatment. Given that consensual abortion was criminalized under the Penal Code, she asked what initiatives were envisaged to reduce the risk of illegal abortions; whether the State of Palestine would legalize therapeutic abortion if a woman's health was at risk or in cases of rape, incest or the risk of serious fetal impairment and whether the State would decriminalize abortion in all other cases. Noting that many women were arrested while seeking emergency treatment after abortion complications, she wished to know how many women were in prison for abortion.

19. **Ms. Salhieh** (State of Palestine) said that, although abortion was generally prohibited under the Penal Code, a number of legal abortions had been performed in recent years. In one such case, a fatwa had been obtained that had permitted a woman involved in an incestuous relationship to have an abortion. Measures were taken to ensure that women who had had abortions could reintegrate into their families and society. Perpetrators of acts of sexual violence giving rise to pregnancy were held accountable, particularly when the victim was a person with disabilities. The sharia courts, in coordination with the Public Prosecutor's Office, took steps to prosecute persons who forced girls to enter into early marriages.

20. **Ms. Aqel** (State of Palestine) said that reproductive health services were almost free of charge for women in the West Bank. A programme had been established that provided care to around 95 per cent of pregnant women. Other programmes in the areas of postnatal care, prenatal care, family planning, equipment sterilization and cervical and breast-cancer screening were also in place, as were educational programmes on sexual and reproductive health and programmes aimed at couples planning to marry.

21. Statistics published in 2016 showed that maternal mortality rates had fallen. In 2017, only four women had died while giving birth. Steps were taken to investigate the deaths of mothers and mobile clinics provided services to women in rural areas who were prevented from reaching other services by the occupying Power. Over 99 per cent of childbirths in the State of Palestine took place under medical supervision.

22. Health professionals at youth centres in several parts of the country were on hand to give young people advice on sexual and reproductive health. A new programme had been established to provide emergency medical care to persons who could not gain access to a hospital or clinic because a checkpoint had been closed.

23. **Mr. Hamdan** (State of Palestine) said that the percentage of women and girls who entered early marriages had fallen significantly since 2017. Surveys on domestic violence and sexual harassment in the workplace, conducted in 2011, had indicated that the proportions of women subjected to those offences were relatively low.

24. **Ms. Song** said that the question she had asked about gender in higher education concerned the type of subjects chosen by women rather than the segregation of men and women in educational institutions.

25. **Ms. Manalo** said that she wished to know whether there was a target date for the finalization of the review of the Labour Act, whether legislation criminalizing violence in the workplace would be amended to afford specific protection to women with disabilities, whether measures would be taken to ensure that women were free to pursue a career in any profession or industry and whether more freedom of choice would be afforded to women taking maternity leave.

26. **The Chair** said that she wished to know whether special temporary measures would be taken to ensure that widows and women heads of family living in difficult areas, including the Gaza Strip, had equal access to health-care services and social support. She asked what steps were being taken to provide health care to women living in marginalized areas and in the administrative division of the West Bank known as area C.

27. Noting that the health of women with disabilities was not covered by the strategic national health plan or the national protocol on sexual and reproductive health, she asked whether a gender perspective on disability would be incorporated into national legislation and policies to ensure access to health services for women with disabilities and whether the Government would consider requesting technical and financial assistance from its development partners in order to ensure the provision of such services.

28. **Mr. Awad Ala** (State of Palestine) said that the Government had ratified the Convention on the Rights of Persons with Disabilities in order to address gaps in the services provided to persons with disabilities.

29. **Ms. Nasser** (State of Palestine) said that, as a result of measures taken to broaden the range of subjects that girls and women were able to study, girls and women were now encouraged to pursue careers in science and technology.

30. **Ms. Alattrash** (State of Palestine) said that the Government had implemented projects aimed at promoting the economic empowerment of women. Some of the financial assistance received from the Government's partners had been allocated directly to women heads of household, benefiting around 110,000 households. Other projects had been established to provide support to single-parent families and women living in settlements in area C. Assistance was provided to families with a member with disabilities.

31. **Ms. Salah** (State of Palestine) said that steps have been taken to reduce the disparity between the types of job carried out by men and women. Career advice was provided to young people completing their secondary education to help them decide whether to remain in education or enter the workforce. In the last three years of secondary schooling, students were given advice on the different subjects that they could study at university and the career options associated with those subjects.

32. According to statistics published by the World Bank for 2016, the restrictions imposed in area C and the Gaza Strip had led to reductions in the gross domestic product of 35 per cent and 50 per cent, respectively. A number of reports published by international

organizations had indicated that economic conditions in the State of Palestine would not improve unless the current situation changed.

Article 13

33. **Ms. Gabr**, noting that the economic and social empowerment of women did not appear to be a priority for the Government, said that she would welcome information on practical steps taken to address the fact that women were required to pay more into their pension funds than men in a similar situation.

34. Reports indicated that neo-liberal economic policies adopted by the Government had adversely affected social conditions and worsened rates of poverty. Economic dependency on the occupying Power and the competition that Palestinian products faced from products imported by the occupying Power had had a negative impact on the situation of women. In view of that situation, she asked what measures would be taken to ensure that poverty in the State party was eliminated, in line with Sustainable Development Goal 1. The Committee would welcome the delegation's comments on the links between poverty and violence against women that had been highlighted by the Special Rapporteur on violence against women. The Committee would be interested to learn what programmes were in place to increase the participation of women with disabilities in sport.

35. **Ms. Nassar** (State of Palestine) said that the economic empowerment of women had been incorporated into the Government's strategy for 2019–2022, which was based on national policies and the Sustainable Development Goals. Policies intended to promote the employment of women in the private and public sectors had been implemented, as had policies guaranteeing women a minimum wage and enabling them to join trade unions. Measures had been taken to train women entrepreneurs and to raise awareness among women with disabilities of the rights enshrined in the Labour Act.

36. **Ms. Alattrash** (State of Palestine) said that the Government was conducting numerous projects aimed at eliminating poverty in the State of Palestine. An independent body had been established that sought to bring about the economic empowerment of women with disabilities and women who were socially excluded.

37. Measures had been taken to encourage the participation of women in sport, including women with disabilities, and to address the cultural prejudices that hindered such participation. The Government was proud to note that, for the first time, a Palestinian woman had been appointed to a senior position within the International Federation of Association Football.

38. **Mr. Hamdan** (State of Palestine) said that 31 per cent of women heads of household were classed as poor. The poverty rate for women in the Gaza Strip had increased from 29 per cent in 2011 to 54 per cent in 2017. In the West Bank, however, the rate had fallen from 22.5 per cent to 18 per cent over the same period. High unemployment rates among young people fuelled violence and had a negative impact on society and families. In 2017, some 69 per cent of women and 34 per cent of men aged between 18 and 29 years had been unemployed.

39. **Ms. Alattrash** (State of Palestine) said that men and women had the same pension entitlements and their pension contributions were the same. As regards family law, the unfavourable economic conditions had led to a rise in crimes within the family.

40. **Ms. Gabr** said the fact that the pension contributions of women were the same as that of men, even though their working and pay conditions were different, was in itself an injustice.

41. **Ms. Alattrash** (State of Palestine) said that the Government acknowledged that there was need for improvement in the pension system. It was also aware that greater efforts were needed to increase the representation of women in law enforcement and security. Women were thus encouraged to join the police and State security forces.

Article 14

42. **Ms. Verges**, noting that 60 per cent of Palestinian land was occupied, said that she wished to know what plans the Government was developing to improve the access of rural women to basic services. She wondered what challenges the Government faced in that regard and what measures it had taken to improve the situation. The programmes implemented under the Palestinian National Development Plan 2014–2016 seemed to focus more on relief than development.

43. Rural development policies concerning land ownership and rural infrastructure, such as irrigation networks and wells, often favoured men over women. She would be interested to learn what measures had been taken to address that injustice and to involve rural women in the development and follow-up of those policies. She also wished to hear whether there were any specific policies or other measures to improve the situation of Bedouin women. It would be helpful to know whether rural women who worked in the home benefited from the new social security system established in 2017. In view of the lack of disaggregated statistics on Bedouin and rural women, she asked whether any efforts had been made to improve data collection, especially since policies could not be properly implemented without data.

44. The programmes introduced to assist female prisoners were commendable. She would appreciate information on the legal aid provided to women detainees and prisoners of war and the impact of that aid in terms of expediting their cases. Were prisoners given advice and support to help them reintegrate into society upon release?

45. **Ms. Nassar** (State of Palestine) said that the 2017–2022 Cross-Sectoral National Gender Strategy contained measures to improve the living conditions of rural women and to encourage their participation in the labour force. However, due to the occupation of large swathes of the country's territory, many rural women were cut off from electricity and transport infrastructure and other basic services.

46. Various government institutions had set up training courses on starting businesses, which had increased the number of economically active women by 10,000. The number of roles held by women in the public and private sector and in international organizations operating in the State of Palestine had also risen. Women had played an increasingly important role in policymaking in recent years. Consultations were held with women to design policies, including the Cross-Sectoral National Gender Strategy, that met their needs.

47. **Mr. Hamdan** (State of Palestine) said that the Central Bureau of Statistics published data on education, health and other sectors broken down by rural and urban areas.

48. **Mr. Awad Ala** (State of Palestine) said that additional information on the questions pertaining to rural women would be submitted in writing within 48 hours. The Palestinians did not seek justice before the Israeli courts, which were considered as a tool of occupation that did not deliver justice to the Palestinian people. That did not prevent prisoners of war or other detainees, however, from calling upon Palestinian or international legal experts for assistance. The majority of prisoners were successfully reincorporated into the labour force upon release.

49. **Ms. Wahdan** (State of Palestine), recounting her personal experience, said that she had been detained and tortured at the hands of the Israeli authorities at the age of 14. She had also been held in solitary confinement despite her age. She had received support on release and found employment in the public sector.

50. **Ms. Alaga** (State of Palestine) said that the Ministry of Women's Affairs worked in conjunction with the prison authority to launch a campaign in 2018 to support female detainees and to highlight Israeli practices affecting the human rights of Palestinians in prisons. The campaign also demanded respect for the rights of female detainees, including the right to access medical services.

Articles 15 and 16

51. **Ms. Gabr** said that, given the large population of women in the Palestinian diaspora, it would be interesting to know how the authorities ensured the rights of those women and their children, particularly with regard to citizenship and residency rights. Noting that a fund had been established to mitigate the effects of climate change and the Israeli occupation on agriculture, she wished to know whether a fund had also been set up to mitigate the effects of climate change on women's rights and what role women played in that regard.

52. **Mr. Awad Ala** (State of Palestine) said that the Palestine Liberation Organization (PLO), as the sole legitimate representative of the Palestinian people, was responsible for following up on matters relating to exiled and expatriate women. PLO had a committee dedicated refugees and expatriates. Replies on the topic of climate change would be submitted to the Committee in writing.

53. **Ms. Haidar** said that it was important to involve women and civil society organizations in the drafting of a new constitution that recognized the country's diverse laws from a number of sources. Family law, which placed restrictions on the marriage rights of women, remained a cause of de facto and de jure discrimination. She was concerned about discriminatory provisions that afforded greater rights to the father, in terms of the custody of children, for example. She recommended that the State party should take into consideration the best practices of other countries that had Islamic traditions. The Government would also do well to follow the guidance of institutions such as Musawah, which campaigned for justice and equality for men and women in Muslim families. She urged the country to raise the age of marriage, which was as low as 15 for girls in the West Bank, to 18, and to allow marriage between partners from different religions.

54. **Mr. Awad Ala** (State of Palestine) said that all laws were under review to ensure that they did not discriminate against women and that they guaranteed the human rights of all Palestinian people.

55. **Ms. Alattrash** (State of Palestine) said that many challenges remained in the codification of laws owing to the country's diverse political and religious landscape. The separate courts for Muslims and Christians posed a major obstacle in terms of the unification of the judicial system. A dialogue would be held with religious institutions and civil society organizations with a view to amending family laws. Greater efforts were required in order to reach a consensus in that regard. The Government would work with Musawah and judges to ensure an appropriate interpretation of sharia law.

56. **Ms. Alaga** (State of Palestine) said that deep-rooted traditional views of women's role in society and the Israeli occupation posed major challenges to the advancement of women's rights. She thanked the Committee members for their recommendations and comments and said that the Government would consider them in its efforts to overcome those challenges.

57. **Mr. Awad Ala** (State of Palestine) said that he, too, wished to thank the Committee members for their advice and guidance in upholding human rights of women in the Occupied Palestinian Territory, who had suffered discrimination since 1948. His Government was proud that the country's initial report, the first to be presented to a human right treaty body, was aimed at the elimination of discrimination against women. The State of Palestine would never accept discrimination against or oppression of Palestinian women by anyone.

The meeting rose at 5.10 p.m.

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Seventieth session

Summary record of the 1616th meeting
Held at the Palais des Nations, Geneva, on Thursday, 12 July 2018, at 10 a.m.

Chair: Ms. Leinarte

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Eighth periodic report of New Zealand

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of New Zealand (CEDAW/C/NZL/8; CEDAW/C/NZL/Q/8 and CEDAW/C/NZL/Q/8/Add.1)

1. *At the invitation of the Chair, the delegation of New Zealand took places at the Committee table.*

2. **Ms. Logie** (New Zealand) said that New Zealand was a proudly multicultural society and home to over 200 ethnic groups. While the country had a strong history of protecting women's rights, the Government was aware that much remained to be done to build an inclusive and fair society for all New Zealand women and girls. The general elections in September 2017 had marked a change in direction that was reflected in the priorities for women set out by the new coalition Government, which included improving well-being, reducing poverty, reforming welfare, ensuring a life free from violence for women and girls and closing the gender pay gap. Her own position as Parliamentary Under-Secretary with exclusive responsibility for domestic and sexual violence issues was an entirely new portfolio, and its creation reflected the new Government's commitment to ending such violence. The Government had also given the positions of Minister for Climate Change and Minister for Women to members of the Green Party, thereby demonstrating the inextricable link between the changing climate and the well-being of women. Women from different ethnic backgrounds now held 38 per cent of parliamentary positions, including the post of Prime Minister, Governor-General and Chief Justice.

3. The new Government had also established a Crown-Māori relations portfolio to foster a healthier and more active relationship between the Crown and Māori and improve the Government's response to Māori issues. Reflecting its commitment to developing Māori centric models of service, it had designed a risk and needs assessment model in partnership with Māori and had increased the number of government-funded services for Māori. In 2019, it would deliver a well-being budget through which it would report progress on a range of measures related to health, the environment and the community.

4. Poverty and severe poverty afflicted over 200,000 mothers and their children in New Zealand. To address that situation and increase political accountability for hardship, a bill to reduce child poverty had been drafted and was currently before Parliament. The Government also planned to overhaul the current welfare system, which trapped many families in poverty, in order to ensure that it was accessible and fair for all. A Welfare Expert Advisory Group, composed of members from diverse backgrounds and vulnerable groups, had been established to support the reform process.

5. Family and sexual violence were linked to many of the most destructive and intractable social issues facing New Zealand. Current data showed that a third of women experienced domestic partner violence in their lifetime; that women were more likely than men to be killed; and that women from vulnerable groups not only experienced higher rates of violence but were also more likely to be retraumatized by the current national systems. The needs of victims were not being met owing to a lack of resources and a fragmented response system. Work had begun to transform the system, focusing on primary prevention, early intervention, integrated responses and new approaches to service delivery. A dedicated body had been established to lead a whole-of-government response and provide a single point of accountability for ensuring that the prevention and response system was delivering effectively. Funding for frontline support services for women victims of violence had been increased by NZ$ 76 million and work was under way to ensure that women victims of abuse were not revictimized during reporting and prosecution procedures. The Government also recognized the importance of engaging men and boys as strategic partners in the elimination of gender-based violence.

6. The downtrend in the gender pay gap had stalled over the past decade. As of September 2017, the gap was 9.4 per cent, but was significantly higher for Māori and Pacific women, at 18 and 21 per cent respectively. Efforts to eliminate the gap were currently focused on the core public service and ensuring that the wider public and private

sectors were taking steps in the same direction. An evidence bank of information on the gender pay gap was being built up that included analysis of its causes throughout the career and life cycles of women and girls. In addition, the Government had committed to raising the minimum wage by a third — to NZ$ 20 an hour — by 2021.

7. In 2014 the Court of Appeal had issued a landmark decision providing a new interpretation of the Equal Pay Act 1972. A pay settlement reached in 2017 in implementation of that decision had resulted in a pay rise for thousands of care and support workers and an extension to that settlement, announced in June 2018, would also increase the pay of mental health and addiction support workers, the majority of whom were women. The principles to guide pay equity settlements had been developed by the tripartite Joint Working Group on Pay Equity Principles composed of government, employer, employee and union representatives. A suite of amendments to employment relations legislation would ensure greater fairness in the workplace by increasing protection for workers and strengthening the role of collective bargaining.

8. The Government was committed to the advancement of gender equality and the empowerment of all women and girls in the country and sought to address the challenges with vigour, in partnership with communities.

Articles 1 to 6

9. **Ms. Halperin-Kaddari**, commending the State party for the example it provided in women's political leadership and paying homage to Silvia Cartwright, whose work on the Optional Protocol and general recommendation No. 21 was greatly appreciated, said that the Government needed to be wary of the growing use of gender-neutral language in policies and laws. In efforts to mainstream gender, gender-related specificities and the reality of gender discrimination were, paradoxically, being lost. With that situation in mind, she asked whether the Government would consider amending section 21 (1) (a) of the Human Rights Act 1993 to include gender identity, gender expression and sex characteristics, as well as migrant status, among the prohibited grounds for discrimination listed. She wondered whether the Government planned to adopt a new comprehensive national action plan for women, given that the previous plan had expired in 2009; whether, in view of the decrease in the number of full-time staff on the Human Rights Commission, it would consider increasing the Commission's funding; why it had not provided funding to enable non-governmental organizations (NGOs) to attend the meeting with the Committee, as it had on previous occasions; and whether it would consider offering such funding in the future. More detailed information on the invocation of the Convention in court and on efforts to raise awareness of the Convention in general would be useful.

10. **Ms. Hayashi** asked whether, through the National Action Plan on Women, Peace and Security, a gender perspective had been integrated into foreign policies; whether any human resources had been allocated for implementation of the National Action Plan; and to what extent women's organizations had been consulted during the Plan's drafting. She would also like to know what percentage of gross national income was spent on official development assistance and what proportion of that assistance was targeted at gender equality programmes.

11. **Ms. Logie** (New Zealand) said she agreed that it was essential to maintain gender-specific language in efforts to address violence and discrimination against women and to recognize that the causes of violence were primarily rooted in gender inequality. The Government had put in place mechanisms to assess the gender impact of new legislation.

12. **Mr. Michael Gill** (New Zealand) said that government departments were required to prepare disclosure statements when submitting bills or supplementary order papers setting out proposed legislative amendments in order to ensure that legislation was consistent with international human rights obligations, which had implications for around 70 per cent of public laws.

13. **Ms. Logie** (New Zealand) said that complainants were required to exhaust domestic remedies before they had recourse to international instruments such as the Optional Protocol. In New Zealand, such remedies included proceedings before the Human Rights Commission and the Human Rights Review Tribunal, and judicial reviews. In the wake of a

dramatic increase in cases submitted to the Human Rights Review Tribunal, two bills had been presented to Parliament that set out options for reducing the resultant backlog. Given the challenges that could complicate access to justice and legal aid, the judicial review process might not be accessible for all people. Māori women could also seek redress before the Waitangi Tribunal which was due to hear a claim, related to the status of Māori women in the near future.

14. **Ms. Graham** (New Zealand) said that while there was no comprehensive national action plan for women at present, specific action plans had been developed to increase the number of women on public sector boards, reduce the pay gap in the public service, and address the increasing number of women being held in corrections facilities and the standard of the services they received. To raise public awareness of the Convention, the Government interacted with NGOs and civil society in various ways, including by participating in the International Women's Caucus. Although funding had not been provided to enable NGOs to attend the present meeting, the Government had provided a streaming service through which civil society organizations could submit statements.

15. **Ms. Dempster** (New Zealand) said that the Government had announced that the budget for overseas development assistance and humanitarian assistance would be increased to around NZ$ 714 million over the next four years. Gender-related issues were central to its development assistance programmes and 57 per cent of its current bilateral aid expenditure was allocated to activities focusing on gender equality and related issues. There had also been an increase in the level of humanitarian assistance provided by New Zealand, which distributed, inter alia, basic dignity kits for women and girls. Development assistance programmes, particularly in the Pacific and South-East Asia region, were being reviewed to ensure that appropriate training with a gender perspective was provided for all stakeholders in that region. The National Action Plan on Women, Peace and Security had been subject to consultations with all stakeholders.

16. **Ms. Logie** (New Zealand) said that the Government would take into account the Committee's recommendations concerning the incorporation of a gender perspective into the Human Rights Act 1993. The rights of women migrant workers had already been incorporated into various pieces of legislation, taking account of the multiple discrimination faced by such women. While recognizing the pressure on resources facing the Human Rights Commission, the Government was not currently able to increase the budget allocated to it.

17. **Ms. Halperin-Kaddari** asked what steps had been taken to address the gaps in sex disaggregated data, specifically in relation to the attainment of the Sustainable Development Goals. She would be grateful for further information on the status of the bill designed to monitor the compatibility of new legislation with the New Zealand Bill of Rights Act and the State party's international human rights treaty obligations. It would be particularly interesting to hear what measures would be adopted to ensure that future bills included a gender impact statement and to enable courts to repeal laws incompatible with international human rights conventions and other human rights instruments.

18. **Ms. Rana** asked how many women had been deployed in senior positions in the police force or military since the adoption of the National Action Plan on Women, Peace and Security. She also wondered whether the Government had introduced specific programmes to support international efforts aimed at increasing women's participation in peace negotiations and peacebuilding operations, particularly in fragile countries.

19. **Ms. Dempster** (New Zealand) said that the Government had established an inter-agency task force on women, peace and security and actively promoted women's participation in peace and security affairs. Data on the number of women deployed in senior positions in the police force or military would be provided in writing at a later date. New Zealand women diplomats had been heavily involved in peacebuilding operations at the international level. A national programme to support international efforts aimed at increasing women's participation in peace negotiations and peacebuilding operations had, however, not yet been established.

20. **Ms. Logie** (New Zealand) said that, in addition to gender impact statements, the Government had adopted a mechanism requiring bills to include a disclosure statement.

There were, however, no plans to offer the courts the option of repealing legislation incompatible with the New Zealand Bill of Rights Act or international human rights treaties. They had instead been granted the ability to issue declarations of inconsistency in cases where existing laws contradicted or failed to uphold fundamental human rights. Those declarations were subsequently transmitted to the Parliament for corrective action.

21. **Mr. Gill** (New Zealand) said that the declarations of inconsistency mechanism would strengthen the feedback cycle between the courts and the Government and would ensure that the country upheld its international human rights treaty obligations. The process would commence in earnest following the conclusion of the Supreme Court's consideration of the *Taylor v. Attorney General* case.

22. **Ms. Logie** (New Zealand) said that further information on that matter would be provided to the Committee in writing. The Government recognized the importance of sex disaggregated data to effective decision- and policymaking and remained committed to closely monitoring the progress made on the 2030 Agenda, particularly Sustainable Development Goal 5. As New Zealand was a small country, the collection of data would, however, need to be carefully monitored to avoid breaching confidentiality.

23. **Ms. Haidar** asked whether the Government intended to collect and analyse data on areas not directly linked to Sustainable Development Goal 5, such as climate change, which also directly affected women's rights, and whether the Ministry for Women would take charge of monitoring and ensuring the quality of data in that area.

24. **Ms. Logie** (New Zealand) said that the Government remained conscious of the need to strike the right balance between quality and quantity of data. Civil society organizations had criticized past approaches to data collection, which had deterred persons from accessing certain services owing to confidentiality concerns. The Ministry for Women had actively participated in government attempts to address those data-collection issues and would continue to play a lead role in ensuring that discussions relating to national data collection and analysis included a gender perspective.

25. **Ms. Graham** (New Zealand) said that the Government had introduced a wide range of indicators to monitor progress towards the attainment of the Sustainable Development Goals and that the Ministry for Women had taken the requisite steps to ensure the collection of sex disaggregated data across all sectors. Efforts to strengthen the collection and analysis of national data were ongoing and would remain a high priority.

26. **Ms. Logie** (New Zealand) said that concerted efforts had been made to analyse and monitor the impact of climate change on women and to adopt a gender perspective in respective policymaking decisions.

27. **Ms. Eghobamien-Mshelia**, welcoming the introduction of the interactive digital tool to raise awareness of the Convention, asked what steps had been taken to ensure that women of all backgrounds had the level of digital literacy required to access it. In the absence of a national gender action plan, she wished to know how gender equality priorities had been set, implemented, monitored and reviewed, and what measures had been taken to ensure that activities to promote women's rights received appropriate funding. In that context, it would be interesting to know whether the Ministry for Women had sufficient financial, human and material resources to discharge its mandate and undertake the necessary analysis and review of gender inequalities across all sectors. Further information on the standards used to regulate and monitor women-focused service providers and the role played by the Ministry for Women in regulating and granting licences to those groups would also be welcome. She wondered what guidelines had been established to promote and facilitate gender mainstreaming and what indicators had been set to benchmark performance and progress towards gender targets.

28. **Ms. Logie** (New Zealand) said that digital literacy formed part of the national curriculum and the vast majority of the population used the Internet on a regular basis. The interactive digital tool not only promoted the Convention but also encouraged conversations about human rights in communities throughout the country. Its implementation and use had been facilitated and supported by a wide range of civil society organizations.

29. **Ms. Graham** (New Zealand) said that the Ministry for Women, in coordination with other Government departments and relevant stakeholders, set gender targets at the beginning of each year. Those targets formed part of the overarching national gender priorities, which had a long-term focus and were implemented in partnership with other agencies and relevant institutions. The 2018 targets focused on increasing the number of women on State sector boards and addressing the gender pay gap. The Ministry reported to the Parliament on an annual basis and conducted regular stakeholder surveys to monitor the impact and usefulness of its work and to assess the extent to which its policy documents and guidelines had been effective. The Ministry was responsible for devising policy, but did not have the resources to regulate women-focused service providers.

30. **Ms. Logie** (New Zealand) said that the Human Rights Commission would monitor and report on the progress made towards the gender priorities and the implementation of the Committee's recommendations. The National Council of Women of New Zealand had also devised a monitoring mechanism to support that work. The Ministry of Social Development was tasked with setting standards for NGOs, and the Ministry of Justice and other government funding agencies were responsible for regulating those groups. The monitoring of family violence, which had previously been conducted by the Ministerial Group on Family Violence and Sexual Violence, would in future form part of the Social Well-being Committee's portfolio.

31. **Ms. Eghobamien-Mshelia**, noting the importance of regulating women-focused service providers to the achievement of gender targets, asked whether the State party would consider allocating additional resources to the Ministry for Women so that it could undertake such work in future.

32. **Ms. Nadaraia**, recalling the Committee's previous recommendation urging the State party to adopt affirmative action measures to accelerate the attainment of gender equality, said that she would like clarification of the State party's approach to temporary special measures in both the public and private sectors.

33. **Ms. Logie** (New Zealand) said that the Government made judicious use of temporary special measures to galvanize action towards attaining de jure and de facto gender equality. For example, it had recently introduced a 50 per cent quota for women on State sector boards, supported by a number of strategic efforts.

34. **Ms. Halperin-Kaddari** said that she would like clarification of the strategic efforts that would be undertaken to achieve the 50 per cent quota.

35. **Ms. Graham** (New Zealand) said that the current representation of women on State sector boards and committees was 45.7 per cent, which was the highest figure so far attained. Around 2,500 board appointments were made annually. Concerted efforts by the Government and the appointing agencies were needed to achieve parity, as the latter were distributed throughout the public service and were not all located in the Ministry for Women. An action plan had been adopted that focused on three areas: increasing accountability, with all ministers aware of the goal of gender parity in appointments; raising the calibre of women candidates for board appointments; and ensuring that greater numbers of women were available for appointments.

36. **Ms. Logie** (New Zealand) said she wished to underscore that the pay settlements introduced since the 2014 Court of Appeal decision were not considered part of its affirmative action efforts; the Government saw equal pay for work of equal value as a fundamental human and legal right, and not a temporary special measure.

37. **Ms. Acar**, noting the very high prevalence of domestic violence in the State party, said that, at the same time, at 20 per cent for domestic violence and 9 per cent for sexual violence, reporting rates were worryingly low. Māori women and women with disabilities were more likely to suffer such violence and recidivism was alarmingly high in a country that positioned itself as a trail-blazer in gender equality. It was regrettable also that the periodic report contained little information on violence against women outside the family, as that lacuna suggested a limited understanding of gender-based violence as a continuum, and of the connection between such violence and gender inequality. Systematic,

comprehensive, sustained and coordinated efforts by the Government were required to combat such violence.

38. In its submissions, the State party appeared to confuse related terminology. The various documents referred to "family violence", "intimate partner violence" and, in particular, "family harm", inter alia. Use of the word "harm" risked diminishing the offence, which was a human rights violation, and such terminology should be avoided. There was also a lack of connected and holistic data on gender-based violence in the report: it appeared that various agencies collected and recorded data but there was no central agency to integrate those data and provide a complete picture of gender-based violence in New Zealand. The New Zealand Family Violence Clearinghouse had previously provided that service but its funding had recently been cut. Information on how the Government intended to fill the gap and ensure the availability of appropriate disaggregated data would therefore be appreciated.

39. With regard to responses and support services, she noted that, owing to insufficient liaison between police and judiciary, it appeared to be possible for a judge to issue a protection order for a complainant without knowing whether a police safety order had already been issued, and, if so, whether the order had been breached. She suggested that the State party should review that situation, as it could have a bearing on recidivism rates.

40. She would appreciate the delegation's comments on the worrying fact that 54 per cent of cases of sexual assaults recorded by the police were apparently marked "offender could not be identified". Could that situation be a reflection of inadequate police training? Similarly, she would welcome its comments on that fact that national legislation on female genital mutilation covered only the most extreme forms of mutilation and was therefore in need of review. Lastly, noting that stereotypical images continued to be promoted in the media, and that the situation had worsened in recent years despite the Committee's recommendation that the State party should mount a national campaign against stereotypes (CEDAW/C/NZL/CO/7, para. 22), she invited the State party to provide more information about its plans to address that problem.

41. **Ms. Bethel**, noting that the opening statement had made no reference to trafficking in women and girls, asked whether the State party considered sufficient action to have been taken to prevent such trafficking. She had a number of continuing concerns about its legislation on trafficking: for example, she wished to know whether the Government intended to remove the possibility of a fine alone being imposed as a sentence for trafficking offences and whether it would amend the definition of sex trafficking of children as not requiring the use of deception or coercion. She also wished to know what efforts it was making to identify child victims of sex trafficking, and whether it had reviewed section 19 of the Prostitution Reform Act 2003 to assess its negative consequences for migrant sex workers. She would likewise be grateful for an update on the status of the Plan of Action to Prevent People Trafficking, and details of any specific challenges faced and the timeline for implementation. She would particularly like to know whether the recommendations issued by the Human Trafficking Research Coalition in 2016 would be integrated into the plan.

42. She would like to know whether a mechanism was in place to ensure the coordination and smooth functioning of the 12 agencies responding to trafficking concerns that comprised the inter-agency working group; what tangible results had been achieved as a result of the State party's engagement with the Bali Process Government and Business Forum; how the Government planned to increase awareness of human trafficking among vulnerable populations such as Māori, indigenous peoples and migrant women, and among the public in general; and whether the State party had enlisted the help of NGOs in awareness-raising and allocated the requisite resources. She would be grateful for information on the challenges faced in the area of victim protection, on the formal procedures developed to facilitate the identification of trafficking victims, including migrant women and girls and mail order and Internet brides in particular. What formal referral mechanisms were used to ensure that victims could access assistance services, health care, psychological support and shelter, including through enhanced partnerships with NGOs? And did the State party use specialized law enforcement officers and service providers to screen potential victims so as to ensure that they were not penalized for unlawful acts committed as a direct result of trafficking?

43. She would be grateful for information on any relevant training provided to law enforcement officials, investigators, prosecutors and other members of the judiciary involved in trafficking and sex work cases. An update on the nature and extent of trafficking for sex exploitation purposes, including the number of investigations conducted, prosecutions brought and convictions secured, and details of the institutions responsible for identifying and collecting disaggregated data on victims and the obstacles to the collection of such data, would likewise be helpful. Lastly, she asked whether the Government was considering re-establishing exit programmes for sex workers.

44. **Ms. Logie** (New Zealand) said that the Government was very concerned about the low reporting rates for gender-based violence and the high rates of recidivism. Its efforts were currently focused on prevention, early intervention and rehabilitation, by providing support to those who wished to change their behaviour. Funding had been set aside for the establishment of a central agency to act as a coordinating mechanism and prevent overlap between the numerous ministries and bodies concerned. Abuse was mostly disclosed to friends, family and colleagues at work and, hitherto, insufficient resources had been spent on devising measures to help confidants to know how to respond. That omission would be addressed with the change of focus and Parliament would shortly be passing legislation that would introduce workplace protection for victims of violence that permitted them to take up to 10 days' leave to deal with the attendant trauma, without losing employment or income. A capacity-building programme had been initiated for 2000 employees of the Ministry of Justice and would subsequently be extended to all government workers. Other new legislation would establish family violence agencies across government, would provide the courts with clearer guidance on issues of collusion and control, and would introduce definitions for a number of specific violent offences. Past governments had endeavoured to extend the focus beyond gender-based domestic violence to include violence outside the family, often in response to shifting public opinion and influenced by particular stories in the media, but had thus far been unable to find a unified, comprehensive and sustainable response to all forms of violence against women in all environments. A primary goal of the present Government was to find a comprehensive response that could be sustained through changes of governments and shifts in public and political opinion.

45. A 10-year police monitoring programme designed, inter alia, to identify any unmet training needs among officers who dealt with victims of sexual violence had been initiated in 2007. The programme had revealed significant progress but much work remained to be done. Although the number of cases marked "no offence" by the police had been reduced by half, there had been no corresponding increase in the number of cases going to court. The Government could not at present explain that phenomenon. Use of the term "family harm" had been adopted by the police to facilitate decision-making on arrival at a scene of domestic violence, when it was often difficult to ascertain the existence of collusion, control or an ongoing pattern of violence. However, concerns about the term's use had already been expressed in New Zealand and the Government would be attentive to the Committee's observations. Upcoming reforms of family violence legislation would address the shortcomings in the Government's data-collection system. The central agency would also address that issue, as well as the issue of stereotypes, when developing its prevention strategy.

46. **Ms. Graham** (New Zealand) said that the Government used the media as a means to advance gender equality and women's empowerment, specifically by highlighting positive stories about women's achievements. NGOs also took part in such activities. 2018 marked the 125th anniversary of women's suffrage in New Zealand and the Government had provided funding to allow communities to celebrate that occasion and, at the same time, improve awareness of women's rights.

47. **Ms. Logie** (New Zealand) said that funding for the Family Violence Clearinghouse had remained stable and had not been reduced. However, the Government's increased efforts to prevent sexual violence through early intervention needed to be culturally specific and intersectional. The response should be led by Māori, not because such violence was concentrated within Māori communities, but because those communities had produced valuable responses to issues that the Government wished to incorporate in its policies.

48. **Ms. Hippolite** (New Zealand) said that the police force worked with communities to address unacceptable patterns of behaviour and identify ways to prevent them. A family-centred approach had also been trialled and had been found to be successful. Under that approach, the aim was to encourage persons who could build trust and confidence in both perpetrators and victims to find a path towards growth and development. The involvement of wider family members had also been found to be beneficial in a third approach, under which family members were encouraged to speak out against the unacceptable behaviour and stress that it must stop. In each instance, support was provided initially for the woman, and subsequently for the man. Such approaches called on families to come up with solutions themselves, although an independent mediator was always present to help the persons involved to confront their own behaviour.

49. **Ms. Logie** (New Zealand) said that the Prostitution Law Review Committee had identified various factors that diminished the appeal of exit programmes for sex workers, the main ones being the loss of income, flexible working hours and a sense of belonging. The Government did not therefore intend to fund such programmes at present. However, a welfare system for the sex industry had been established under which workers could receive income protection if they wished to leave. The Government did not conflate trafficking with prostitution.

50. **Ms. Cowey** (New Zealand) said that the new Government was about to review its migrant exploitation prevention strategy, particularly in view of the number of international students involved in sex work trafficking, and that the Committee's observations would be of great use in fixing the scope and content of that review. The views of migrants themselves would also be canvassed. Since December 2015, there had been two prosecutions for trafficking and one person had been convicted on 15 counts of trafficking. Currently, one case was under investigation and another was pending trial. Of the 39 known victims of trafficking, 33 had been men and 6 had been women. One of the women had been a minor and had been sexually exploited. A range of services was provided to victims of trafficking, including interpretation, social and financial assistance, accommodation, health care and legal support, including assistance in obtaining compensation. Details of the Government's engagement in the Bali Process would be supplied in writing after the meeting. The prostitutes' collective had already given its opinion on section 19 of the Prostitution Reform Act 2003 and the delegation would welcome the Committee's advice in advance of the forthcoming review.

51. **Ms. Logie** (New Zealand) said that implementation of the 2003 Prostitution Reform Act, which had legalized prostitution, had improved health and safety, employment conditions, collective bargaining rights and the ease of reporting sex offences for sex workers as all issues had been brought under the general regulatory regime. The numbers of sex workers had not increased as a result of the legalization. The sector was small and competitive, which prevented the proliferation of trafficking for prostitution purposes.

52. **Ms. Acar** said she was concerned that using the term "family harm" shifted the emphasis away from the violation of women's rights to protection of the family institution. The culturally sensitive programme to tackle gender-based violence in Māori communities was an interesting model. However, the State party should ensure that such programmes were not at variance with its international obligations. For instance, the use of mediation in cases of domestic violence was not recommended. The State party might find it useful to refer to the Committee's general recommendation No. 35, on gender-based violence against women, updating general recommendation No. 19. Another valuable resource was the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which was the most comprehensive legally binding treaty on the subject and was open to non-members of the Council of Europe, but could also be used simply as a guideline for best practice.

53. **Ms. Bethel** said there were concerns that section 19 of the Prostitution Reform Act discriminated against migrant sex workers, placed them in a situation of vulnerability and increased their risk of being exploited. She wished to know whether the Government intended to repeal that section, as recommended by NGOs and the New Zealand Human Rights Commission. In addition, she wondered whether the State party had considered establishing a mechanism to tackle illicit financial flows, which were often connected to the

illegal activities of modern slavery and human trafficking; why the Plan of Action to Prevent People Trafficking had not been updated since 2009; and what training was provided to prosecutors to ensure that they were fully abreast of the anti-trafficking legislation.

54. **Ms. Gbedemah** said it had come to the Committee's attention that foreign students had been deported under section 19 of the Prostitution Reform Act without being able to complete their studies, leading to lasting stigmatization and a derailing of their hopes for the future. She therefore urged the State party to assess the discriminatory provisions and legal processes associated with the Act promptly.

55. **Ms. Halperin-Kaddari** said that she appreciated the frankness of the delegation's replies, which demonstrated that the Government was acutely aware of the shocking incidence of gender-based violence. Since divergent approaches to dealing with the issue had been taken by successive governments over the past two decades, she wished to know what set the current approach apart; what was being done to foster cross-party agreement in order to create a coherent and consistent way forward; what training was provided to the judiciary on the Convention and on gender-based and family violence; and whether the State party had considered inviting the Special Rapporteur on violence against women, its causes and consequences to visit the country. Lastly, she would be interested to know why the country had such low prosecution and conviction rates for cases of human trafficking.

56. **Ms. Logie** (New Zealand) said that the figures on domestic violence were, admittedly, shocking. However, New Zealand was by no means the worst of the member States of the Organization for Economic Co-operation and Development. In view of the fact that general elections were held every three years, the Government was keen to establish a cross-party approach to ending gender-based violence. While some of the work currently being undertaken had been initiated by the previous administration, the Government had reached out to members of the opposition to discuss ways of making combating gender-based violence a parliamentary responsibility. One suggestion was to involve members of parliament in awareness-raising campaigns carried out in their local constituencies. In so doing, training on gender-based, family and sexual violence could be provided, thus ensuring that all parliamentarians had an understanding of the different forms of violence and the terminology used. Regarding the Prostitution Reform Act, any repeal of section 19 would require cross-party political will. There was a danger that, in reopening the debate on such legislation, there would be a regressive outcome. Any recommendations that the Committee could provide in that regard would therefore be welcome.

57. **Ms. Logie** (New Zealand) said that New Zealand had extended an open invitation to the special procedures mandate holders of the United Nations. In fact, provided that the timings could be worked out, a visit from the Special Rapporteur on violence against women might be timely, since the Ministry of Justice was about to launch a review of changes that were made to the family court system in 2014. Civil society had raised concerns that cost-saving measures had been prioritized over the safety of women and children, thus prompting the forthcoming review.

58. **Mr. Gill** (New Zealand) said that protection orders and police safety orders were just two of the tools available for dealing with gender-based violence. In the event that a police safety order was breached, the police could file a complaint with the courts, which, in turn, could issue a temporary protection order. Admittedly, no single agency or body had overall oversight of the system; thus, it was somewhat fragmented. More needed to be done to improve the flow of information and ensure a more joined-up response. Among other aspects, the bill on family violence aimed to improve information sharing among those working in the field of family violence.

59. The Institute of Judicial Studies was an entirely independent body with responsibility for organizing and providing judicial education and professional development opportunities while maintaining the independence of the judiciary from the executive branch. Its role included raising awareness of new developments in the law. In the light of the bill on family violence and the upcoming review of the family court reforms, the Institute would receive additional funding to enable it to provide education on related issues.

60. **Ms. Logie** (New Zealand) said that, while New Zealand did not typically sign conventions of the European Union, it was certainly keen to learn from international best practice. Answers to the remaining questions posed, such as those regarding illicit financial flows, would be provided in writing.

61. **Ms. Halperin-Kaddari** said that, since New Zealand was composed of a number of different ethnic minorities, she wished to know what steps the Government had taken, or planned to take, to develop culturally sensitive programmes that took their needs into account.

62. **Ms. Logie** (New Zealand) said that the Government was acutely aware that a one-size-fits-all approach was not appropriate in a multicultural country such as New Zealand. It was therefore committed to working with the different communities and with their representative organizations, such as the Shakti Community Council, which represented ethnic migrant women, in order to understand their specific situation and coordinate an appropriate response. In a similar vein, the Government was aware that barriers prevented women with disabilities from gaining access to justice. It acknowledged that measures to end gender-based violence would come to nothing if it did not listen to and work with all the affected groups and involve them in co-designing appropriate responses.

Articles 7 to 9

63. **Ms. Nadaraia** said that, while women occupied leading roles in Government and represented around 60 per cent of public officials, they occupied just 40 per cent of posts on statutory boards and 20 per cent of senior management positions. The situation was considerably worse in the private sector, where there had been a marked decline in the number of women in senior roles since 2004. In fact, women now held fewer than 20 per cent of senior and directorial roles in business. In view of such discouraging figures, she wished to know what measures the State party had introduced, or envisaged introducing, to halt the decline in women's leadership, while at the same time setting goals and establishing clear time frames for improving women's representation in business decision-making.

64. **Ms. Manalo** said that New Zealand had long been at the vanguard of women's rights. It had been the first country in the world to give women the vote and had several very accomplished women in prominent national and international leadership roles, including Dame Silvia Cartwright, a former member of the Committee. With that in mind, she wished to know how many New Zealand women were working at all levels of the United Nations system and in other international and regional organizations, such as the Organization for Economic Co-operation and Development and the International Court of Justice, and what measures the State party had taken to encourage women's greater representation in such bodies.

65. **Ms. Logie** (New Zealand) said that the figures provided by Ms. Nadaraia had made for grim listening indeed. However, promoting women's greater representation in leadership was one of the Government's top priorities, especially for private industry, which was lagging significantly behind the public sector.

66. **Ms. Graham** (New Zealand) said that, in the public sector, measures to promote women's leadership included the introduction of a gender-parity target for senior management roles and on statutory boards. In setting that target, the Government hoped to set the standard for the private sector to follow before setting specific goals to increase women's leadership in that domain.

67. **Ms. Dempster** (New Zealand) said that, while statistics on the numbers of women working in the multilateral system were not currently available, the Ministry of Foreign Affairs and Trade was looking at ways to actively encourage more women into jobs in the international organizations. A number of women currently held high profile positions within the United Nations system, including as the Under-Secretary-General for Management.

68. **Ms. Halperin-Kaddari** said that, although measures to improve women's representation in senior and leadership roles in the public sector were welcome, they failed

to tackle the gender gap in the private sector. She would welcome specific details on initiatives for private companies and wondered why the State party seemed to shy away from introducing temporary special measures, when they were exactly what was needed to reverse the negative trend.

69. **Ms. Logie** (New Zealand) said that the Government was certainly not unwilling to challenge the private sector on issues such as women's representation. Indeed, the Minister for Women was actively engaged with business leaders and had initiated robust and sometimes even controversial public conversations aimed at challenging men's traditional dominance in certain areas and highlighting the need for women and minority groups to be better represented.

70. **Ms. Graham** (New Zealand) said that a symposium with the private sector had recently been held to gather the views of stakeholders and involve private enterprise in the design of plans to boost women's representation on executive boards. Other initiatives included creating case studies on successful women as sources of inspiration for others. The recommendation to use temporary special measures was helpful and would be relayed to the Government, and every effort would be made to achieve further progress on the issue.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Seventieth session

Summary record of the 1617th meeting
Held at the Palais des Nations, Geneva, on Thursday, 12 July 2018, at 3 p.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of New Zealand (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of New Zealand (*continued*) (CEDAW/C/NZL/8; CEDAW/C/NZL/Q/8 and CEDAW/C/NZL/Q/8/Add.1)

1. *At the invitation of the Chair, the delegation of New Zealand took places at the Committee table.*

Articles 7 to 9 (*continued*)

2. **Ms. Halperin-Kaddari** said that she wished to know whether migrant mothers whose residency status depended on their being sponsored by their New Zealand husbands were vulnerable to abuse and threats that the sponsorship would be withdrawn if they reported abuse to the authorities; whether, in such cases, full-time custody of small children was sometimes awarded to fathers, even when they were abusive; whether foreign mothers were sometimes forced to leave the country because they had no job or home and no right to permanent residency; and whether the New Zealand nationality of children born to foreign mothers was not taken into account by the immigration authorities when their mothers applied for leave to remain in the country.

3. **Ms. Logie** (New Zealand) said that the immigration authorities used the definition of domestic violence contained in the Domestic Violence Act, which covered psychological violence. If the immigration status of a victim of domestic abuse depended on an abusive partner who was a New Zealand citizen or resident, the victim would be eligible for a six-month work visa and, in some cases, a residency permit. However, if the abusive partner held only a temporary or work visa, the victim would have no visa entitlements.

4. **Ms. Halperin-Kaddari** said that she remained concerned about the visa situation of migrant mothers since if, for whatever reason, custody of the children was awarded to the father, the mother might not be entitled to residency. In that case, she might be deported and thus separated from her children in violation of international human rights law.

Articles 10 to 14

5. **Ms. Gbedemah**, noting that the Government had allocated over $NZ 28 million to a programme aimed at increasing the diversity of students studying information and communications technology, said that she would like to know the demographic profile of the students who had responded to the programme and how successful the programme had been. In view of the fact that a higher proportion of women than men had studied science, technology, engineering and mathematics in 2014, the Committee would be interested to learn why only 37 per cent of scholarships in those subjects had been awarded to women (CEDAW/C/NZL/Q/8/Add.1, paras. 105 and 106).

6. The Committee was concerned to note that New Zealand had the eighth highest rate of births to teenage mothers among member States of the Organization for Economic Co-operation and Development and that 23 schools across the country had been designated for teenage parents. The relatively large number of such schools revealed the scale of the problem and created a risk that either teenage parenthood might become normalized or teenagers attending such schools could be stigmatized. In view of that situation, the Committee would be interested to learn what steps were being taken to address the issue of teenage parenthood; what proportion of the total number of pregnant teenage girls dropped out of school; and what proportion of all teenage pupils became pregnant. The Committee would also welcome further information on the reasons why children dropped out of school, on the profiles of those children, including their ages and educational levels, and on school re-entry and retention rates. It would likewise be interesting to learn what subjects were offered in schools for teenage parents and what proportion of teenage mothers were enrolled in mainstream schooling.

7. She would like to know what steps were being taken to ensure that sex education was mandatory, comprehensive, universal and age-appropriate, and that it addressed the

prevention of teenage pregnancy, responsible sexual behaviour and power relations. It would also be helpful to learn whether the Government engaged with ethnic minority groups to ensure that sex education was culturally appropriate for those groups.

8. She wondered what policies and legislation were in place to ensure the provision of inclusive education options throughout the State party and what measures were taken to address bullying in schools, including the bullying of children with disabilities.

9. The Committee wished to know whether the Government would consider using temporary special measures to close gaps in educational attainment between different sectors of the population; what steps were being taken to address discrepancies in the frequency with which members of different groups were suspended from school; whether that last issue was addressed in *Te Marautanga o Aotearoa*, the Māori schools' curriculum; when the Positive Behaviour for Learning programmes mentioned in the replies to the list of issues (CEDAW/C/NZL/Q/8/Add.1, para. 99) had been initiated; what the outcome of those programmes had been; whether data on the support provided to single mothers were disaggregated by ethnicity; and, if so, how that information was being used to bridge the gap in educational attainment between different sectors of the population.

10. The Committee also wished to know whether the voluntary contributions to school costs mentioned in the replies to the list of issues (CEDAW/C/NZL/Q/8/Add.1, para. 117) could be interpreted as a sign of school underfunding. What steps were in place to monitor requests for such contributions in order to ensure that parents were not being placed under undue financial pressure by schools? Lastly, noting that, despite a shortage of teachers, the number of teacher trainers at the University of Auckland had been cut, she asked what measures were being taken to address that shortage and ensure that teachers were fairly paid.

11. **Ms. Haidar** said that she wished to know when and how the Joint Working Group on Pay Equity Principles would begin its mission of determining the merits of pay equity claims; how its work would be monitored; and what steps would be taken to ensure that Māori women, Pacific women, women with disabilities and women under the age of 25 did not face discrimination in the labour market. In view of the fact that disaggregated data on women with disabilities were gathered only every five years, through the census, she wondered what could be done to ensure that such data were gathered more frequently. She would be interested to learn how the Government planned to achieve its goal of eliminating the gender pay gap in the public sector by 2021; what plans were in place to ensure that the pay gap was eliminated in all areas of the labour market, including the private sector; and how measures to eliminate the pay gap would be monitored. Noting that, according to current predictions, the gender pay gap would not be completely eliminated in every sector for many years, she asked whether the Government would consider using temporary special measures to ensure that it was eliminated much sooner.

12. Noting that reports of sexual harassment in the workplace were increasing and that a significant proportion of women in certain sectors had been victims, she asked what steps were being taken to investigate the scope of the problem, identify the reasons for the increase and ensure that mechanisms were in place to record and respond to complaints. Details of the measures being taken to ensure that all employers, in both the public and private sectors, adopted a policy on sexual harassment and implemented measures for supporting victims, recording complaints and identifying repeat offenders would also be appreciated.

13. **Ms. Hayashi**, noting that the Law Commission had recently been asked to undertake a review of the criminalization of abortion in law, the statutory grounds for abortion and the provision of abortion services, said that she wished to know what progress had been made in respect of the review; whether new legislation was being drafted as a result; and, if so, what time frame was envisaged for adoption of the new legislation. She would be particularly interested to know whether, under the new legislation, rape would constitute an independent ground for abortion. The Committee would also welcome the delegation's comments on the possible threat to women's rights posed by the inclusion of fetuses in the definition of a child in the new childcare alert system implemented by the Ministry of Health.

14. She wondered what steps were being taken to address the shortage of midwives; whether the new sexual and reproductive health plan had been finalized; and, if so, what measures the plan contained to address the fact that many minority ethnic women, including Māori and Pacific women, did not enjoy equal access to health-care services. Lastly, noting that the majority of persons living with dementia and most of their carers were women, she asked what efforts were being made to ensure that health services and legal safeguards afforded to older persons incorporated a gender-sensitive approach.

15. **Ms. Logie** (New Zealand) said that the Government was carrying out a review of the Tomorrow's Schools reforms, which provided the fundamental framework for the delivery of education across New Zealand. The examination system, school curricula and the early learning system were all being reviewed, in partnership with educators, parents and learners. Government policy on education was guided by a cross-sector advisory panel made up of a diverse range of stakeholders. In the most recent budget, the education sector had been allocated a significant level of funding that would go some way to addressing the concerns raised by the Committee about teachers' pay and the shortage of teachers. Specific measures would be taken to enhance the inclusion of children with disabilities in order to respond to mothers' concerns about a lack of funding and support for their children in the education system.

16. **Ms. Hippolite** (New Zealand) said that, in order to promote the study of information and communications technology, digital technology would be included in the Māori schools' curriculum. At the tertiary level, efforts had been made to raise the visibility of women role models working in the areas of science, technology, engineering and mathematics. The Government supported the establishment of schools for teenage mothers, as such schools enabled them to remain in the education system, learn about motherhood and study mainstream subjects. It was working with the schooling system through a cross-sector advisory group on the prevention of bullying to ensure that measures were implemented to address bullying in schools.

17. The Government provided guidance on the content of sex education in the curriculum. The Education Review Office was undertaking a review of sex education that would enable the effectiveness of the current programme to be assessed. Sex education was taught under the Positive Behaviour for Learning programmes, which also provided guidance for teachers on how to improve the behaviour of disruptive pupils and work with Māori families. Plans were in place to ensure that sex education was taught in both State and non-State schools.

18. **Ms. Logie** (New Zealand) said that women's legal right to earn equal pay for equal work had been established through the courts. The principles underlying equal pay would be incorporated into legislation, enabling women to negotiate with their employers and initiate legal proceedings to enforce their right to equal pay.

19. **Ms. Graham** (New Zealand) said that the legislation on equal pay would set out the procedures by which women could bring claims against employers that violated its provisions. The legislative framework in question had been developed in collaboration with the public sector, the trade unions and employers. Although the legislation had yet to be adopted, a number of claims relating to equal pay had already been brought by women working in the public sector. Those claims were seen as test cases that would inform the legislation being developed. The Government aimed to reduce the gender pay gap in the public sector by one third by 2021. In order to achieve that goal, a comprehensive action plan had been established that included indicators for monitoring progress. Monitoring would also be carried out by a steering group established for that purpose. In order to ensure that the goal was achieved, research into the causes of the gender pay gap was being conducted. The contributing factors included recruitment biases, lack of flexible working arrangements and parental leave.

20. **Ms. Logie** (New Zealand) said that legislation was currently before Parliament that would strengthen collective bargaining between employees and employers and improve or restore basic working conditions. Many sexual harassment cases came to light through the media rather than complaints mechanisms because relatively few women filed complaints; instead, they came forward in groups, which meant that the perpetrators were often not

named and thus no action could be taken. An organization called WorkSafe was responsible for monitoring sexual harassment in the workplace as a health and safety issue and the Minister for Workplace Relations had made tackling sexual harassment a priority.

21. **Ms. Macris** (New Zealand) said that the Government was committed to providing high quality maternity services free of charge and was reviewing the deployment of midwives across the country to that end. Health Workforce New Zealand worked to address issues relating to the attraction, attrition and retention of medical staff in rural areas. The Ministry of Health sought to develop more responsive and integrated maternity services in small communities so as to better meet the needs of women in childbirth. Improved access to maternity services would enable earlier recognition of risk factors for problems that included suicide and obesity.

22. Large parts of the New Zealand Framework for Dementia Care of 2013 had been implemented, the focus being on improving the training and skills of staff working with dementia patients. The Healthy Ageing Strategy specifically identified future priorities, namely, strengthening the implementation of the New Zealand Dementia Framework and working with health and social services in communities to help them become more dementia-friendly. Respite care services for family and formal carers of persons with dementia were provided for a period of 28 days per year through the relevant district health board. The Government had announced a wide-ranging review aimed at updating health and disability services to ensure that future demands could be met.

23. A national inquiry into addiction had been conducted as part of the Government's efforts to improve mental health and addiction services. The resultant report would be submitted to the Minister of Health before the end of October 2018. The recommendations would form the basis for decisions concerning future arrangements for the mental health and addiction system, and would cover the re-establishment of the Mental Health Commission. The inquiry had been attentive to the specific mental health needs of different sectors of the population, including persons with disabilities, Māori and Pacific peoples, refugees and rural communities.

24. **Ms. Logie** (New Zealand) said that the Law Commission would report to the Government in October 2018 concerning the issue of abortion. The Government would then consider the possibility of passing the relevant legislation. If the Government adopted a health-based approach to abortion, there would be no need to establish specific grounds under which the procedure could be carried out.

25. **Ms. Halperin-Kaddari** said that, given the shift towards considering abortion as a health issue, she would be interested to hear whether the Government would consider eliminating, or at least limiting, the right of health practitioners to refuse to assist women seeking an abortion. Expressing concerns about unnecessary medical procedures being performed on intersex girls without their prior or informed consent, and about reports that the Government sometimes sent children abroad to undergo such procedures, she asked what the State party was doing to address those issues, in line with the recommendations of the Committee on the Rights of the Child (CRC/C/NZL/CO/5, para. 25).

26. **Ms. Haidar** said that intersectional discrimination required urgent action. Although tripartite negotiations were a step forward, she called on the State party to adopt a more expeditious approach.

27. **Ms. Logie** (New Zealand) said that if the Law Commission found in favour of removing the right to conscientious objection to abortion, then the Government might consider that option. The Human Rights Commission had held a round-table meeting with medical practitioners, intersex persons and parliamentarians to initiate the process of changing the way in which intersex infants were treated. The meeting had resulted in the establishment of a new paediatrics organization funded by the Ministry of Health.

28. **Ms. Hofmeister** said that benefit entitlements for young people had been cut as part of legislative changes in 2012 and 2013, ostensibly to reduce long-term dependence on the State. The cuts had disproportionately affected women, who made up the majority of young single parents, and the requirement for women to identify the fathers of their children in order to receive their full entitlement placed an additional burden on them. The needs of

women living in poverty, and of those who carried out unpaid work in the home or community, had also been neglected.

29. State tax policies had a huge gender impact both inside and outside the country. Since 2000, the State party had cut its personal and corporate income tax rates by approximately 30 per cent and had almost tripled taxes on individual and household consumption. That policy had benefited businesses and wealthy households to the detriment of poorer people. In return, funding for public social and developmental services, which were needed mostly by poor women, had been reduced. Meanwhile, low taxes had encouraged increasing inward investment to New Zealand, leaving other, mostly developing countries unable to compete. That situation placed pressure on the wages of underpaid women workers, especially in special economic zones, who had to pay proportionately more tax than the business owners in order to shore up the budgets of their respective countries of work.

30. In view of the foregoing, she would appreciate an explanation of the measures being taken to combat discrimination against women in the welfare system and to bring tax policy into line with the Convention. She would be interested to learn whether the State party would consider amending its Social Security Act to meet its core obligations under article 13 of the Convention; how it planned to fulfil its extraterritorial obligations with regard to tax avoidance and address the abuse and exploitation of workers in countries with weaker economies; and whether, for the sake of transparency, it would establish an ownership register for public trusts, companies, partnerships and other legal entities. It would also be helpful to have information on the measures used to raise public awareness of the country's extraterritorial obligations in the context of business activities.

31. **Ms. Logie** (New Zealand) said that the Government had committed to overhauling the welfare system and would address the excessive use of benefit sanctions. The article of the Social Security Act pursuant to which the benefits paid to women who had not named the father of their children on the birth certificate would be repealed. A newly established working group on welfare included advocates for users of the welfare system, including young people and persons with disabilities, as well as representatives of civil society and economists. The aim was to create a welfare system that ensured dignity for all New Zealand citizens.

32. The Government had set up a working group to review the changes made to tax policy. Although the Government had promised not to introduce any additional taxes during its term of office, at the end of 2017 changes had been made to the system of tax credits for families that would significantly improve the revenues of low- and middle-income families. In addition, winter energy allowances ranging from $NZ 20 to $NZ 30 were available for those on income support. A strategy and action plan for the welfare of older persons was also under development.

33. Ms. Hofmeister's remaining questions would be answered subsequently in writing.

34. **Ms. Acosta Vargas** said that alternative sources had revealed major gaps in the application and follow-up of policies to enhance access to services in rural areas, and that employment opportunities were constrained by the often limited availability of Internet services. With women underrepresented in policymaking and still often engaged solely in unpaid domestic work, she wondered what progress the rural development programmes had achieved and whether the academic studies used to evaluate the situation of rural women were up-to-date. It would be interesting to hear what solutions had been put forward to address the various problems faced by women in remote areas. The delegation's comments on reports that the rules for applying for benefits were unduly complex would also be helpful.

35. Māori women were overrepresented in the prison system, accounting for 15 per cent of the total population. Noting that many of those women had been imprisoned for minor offences, she asked whether the Government had assessed the consequences of their imprisonment for their families and communities. She would like to know what measures had been introduced to improve access to justice for Māori women in particular and whether alternatives to custodial sentences were being considered for women with family responsibilities, in line with the United Nations Rules for the Treatment of Women

Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). Information about the outcomes of the incorporation of the Māori advisory board into the Department of Corrections would also be appreciated. She would be particularly interested to hear whether the State party had recruited persons of Māori origin into the police force and whether police officers received specific training on the rights of Māori women.

36. She further enquired whether the Government was aware of how difficult access to judicial mechanisms could be for women and girls, particularly when they had suffered abuse; whether women and girls were able to take legal action against caregivers who abused their power; whether the legal framework would be revised to authorize the sterilization of persons with disabilities following consultation with their families and specialist organizations; and whether refugee women with disabilities had access to the same support services as New Zealand nationals.

37. **Ms. Logie** (New Zealand) said that the Government's rural policies were designed to ensure that all citizens had the right to work and run businesses regardless of where they lived. The $NZ 1 billion Provincial Growth Fund was an example of the Government's efforts to stimulate the economy and boost employment opportunities in rural communities. Some of the job positions created would serve to enhance the level and quality of public services in remote areas. The Government incorporated rural proofing into its policymaking, meaning that it assessed the impact of its policies on rural communities. A gender-based approach to regional investment would benefit rural women through targeted health care, increased job opportunities and improved access to services.

38. The previous government had mapped out the special services available for victims of sexual violence across the country in the light of concerns over insufficient funding and inadequate provision. Work was currently under way to expand services further into rural areas. However, the process was not straightforward: for example, even where public service contracts indicated that companies could, in principle, provide services in certain areas, funding or other limitations often meant that, in practice, coverage did not extend much beyond urban centres.

39. The Government had committed to implementing priority 7 (b) of the New Zealand Disability Action Plan 2014–2018, which was to assess the framework that protected the bodily integrity of disabled children and adults against non-therapeutic medical procedures, with a focus on protection against non-therapeutic sterilization without fully informed consent.

40. **Ms. Hippolite** (New Zealand) said that measures adopted in response to the alarming increase in the number of women prisoners had included the establishment of a new women's prison designed specifically with healthy mother and child relationships in mind; the launch of a support programme to help incarcerated mothers deal with the trauma of being separated from their children; the introduction of new ways of maintaining contact between mothers, children and their communities; and the development of partnerships with tribal groups that could serve to strengthen prisoners' sense of affiliation and nurture their personal development while in prison.

41. **Ms. Logie** (New Zealand) said that a recently created working group would endeavour to reduce the country's incarceration rate, which was among the highest in the developed world, by addressing the root causes, which included gender-based and family violence. Access to justice was a key concern for the Government and the legal aid system was currently under review.

42. **Ms. Acosta Vargas** said that it would be useful to know what percentage of police officers were of Māori origin; whether Māori women were represented within the justice system; and whether a mechanism existed whereby individual cases could be re-evaluated in order to identify any miscarriages of justice and cases in which imprisonment was not merited.

43. **Ms. Halperin-Kaddari** said she was concerned that homelessness appeared to affect growing numbers of women, some of whom did not report their situation for fear of losing their children. Data on homeless women and families and details of the steps taken by the Government to address the public housing shortage would therefore be welcome.

She would also like to know whether the Government would be amending legal aid eligibility requirements for women in divorce proceedings and child custody disputes, given that, at present, they did not become eligible until they had committed three months' salary.

44. **Ms. Haidar** said that she would be interested to know the extent to which women were involved in the development and implementation of climate change and risk reduction policies, since it was unclear how action taken at community level fitted in with the overall strategy. She would also like to know what the authorities would be doing to ensure that its efforts to deal with increasing migration from nearby islands would be gender-sensitive, and what policy it had adopted with regard to environmental refugees.

45. **Ms. Gbedemah** said that, according to alternative sources, a number of rural communities faced school closures, combined with a lack of broadband Internet. She asked whether the Government would make broadband available before its 2022 target in order to minimize the disruption to children's education.

46. **Ms. Logie** (New Zealand) said that the review of legal aid provision would encompass proceedings before family courts. The Government intended to clarify existing legislation in order to ensure that the courts understood how to apply the Domestic Violence Act in cases involving carers of persons with disabilities.

47. **Mr. Gill** (New Zealand) said that, as part of its efforts to improve access to justice, the Government would be addressing the results of a survey which had revealed that women were less likely to seek legal advice than men. Since, in family court proceedings, most legal aid applicants were women, he expected access to legal aid in the early stages of proceedings to be reinstated following the review.

48. **Ms. Logie** (New Zealand) said that the Rural Broadband Initiative had extended faster Internet to remote areas but that she did not expect the Government to complete delivery of the Ultra-Fast Broadband programme before 2022. The Government strove to meet children's educational needs; measures to address the problem of school closures included education by correspondence.

49. The Government acknowledged that the country faced a housing crisis and that almost 70 per cent of persons registered for social housing were women. The Government had addressed the fact that New Zealand was no longer a nation of homeowners in its budget, since the housing situation had an impact on various other aspects of society.

50. **Ms. Graham** (New Zealand) said that the Government had invested heavily in housing initiatives, including the Housing First programme for persons who had been homeless for more than a year and the KiwiBuild programme providing affordable homes for first-time buyers. Emergency grants, transitional housing and various housing benefits were also available.

51. **Ms. Logie** (New Zealand) said that the Government aimed to ensure that new housing was easily accessible by public transport with a view to reducing car emissions and families' costs. The motivation for reducing emissions stemmed partly from the country's close ties with the Pacific islands, whose land and culture were at risk. The Government was working to address concerns surrounding persons displaced by climate change and provided advice to city councils on how to improve support for those affected by internal displacement caused by sea level rise.

52. Women accounted for 64 per cent of the staff of the Ministry of Civil Defence and Emergency Management and were adequately represented in policy planning for disaster risk reduction and climate change.

53. **Ms. Hippolite** (New Zealand) said that Māori, including Māori women, accounted for just over 12 per cent of the police force. The police force was working closely with Māori communities with a view to reducing police interventions in those communities.

Articles 15 and 16

54. **Ms. Halperin-Kaddari** said that she would like to know the time frame for adoption of the Minors (Court Consent to Relationships) Legislation Bill. Would the Bill

allow marriage for persons between 16 and 18 years of age in exceptional circumstances and by court approval only, thereby precluding marriage by parental consent?

55. She wondered whether the Government would reconsider the possibility of collecting data disaggregated by ethnicity on victims and perpetrators of practices such as forced and underage marriage, female genital mutilation and honour-based violence. It appeared, for example, that the police did not always register forced marriage as family violence, but without such data it was impossible to assess the prevalence of certain culturally specific practices. Difficulties that hampered data collection in small communities could be overcome.

56. Noting that, according to the alternative report submitted by the Backbone Collective (INT/CEDAW/NGO/NZL/31456), the family courts failed women and child survivors of domestic violence, and that the Government review of the 2014 family justice reforms offered little prospect of improvement, as it would not address the systemic and structural obstructions to victim safety, she asked what action the authorities had taken after receiving the Backbone Collective reports. She wondered whether the Government was aware that many women had to face their abusers in mandatory mediation, which was contrary to the guidance given in paragraph 23 (b) of the Committee's general recommendation No. 35. She would like to know whether the Government was reviewing the family courts' reliance on parental alienation theory in child custody disputes, as that practice could lead to abusive fathers gaining custody. Information about any particular legal provisions that offered guidance for court decisions on child custody in domestic violence cases would also be helpful. Lastly, since it had been shown that children's welfare was impaired when the courts granted shared physical custody, because in such circumstances the mothers no longer received child support, she asked whether the review of the family court system would assess the impact of shared physical custody on women and children's welfare.

57. **Ms. Logie** (New Zealand) said that the Government would draw on the Backbone Collective's research and that the review was expected to address the inappropriate use of mediation, shared custody and child protection, among other issues. Although there were no straightforward solutions, she appreciated the Committee's feedback.

58. **Mr. Gill** (New Zealand) said that the Government acknowledged the concerns raised about the family court's approach to family violence following the 2014 reforms, which had changed the manner in which allegations of violence were handled. The upcoming review, which would focus on improving women and children's safety, would include a reassessment of the Care of Children Act, of the impact of removing the Bristol Clauses, which had formerly banned unsupervised contact for parents alleged to have used violence against their children, and of the use of out-of-court mediation. Any issues outside the immediate scope of the review would be referred to the Government for further consideration.

59. **Ms. Logie** (New Zealand) said the Government recognized that any situation in which legal protection mechanisms caused further harm was extremely serious. It also acknowledged the need for comprehensive data on forced marriage. Under new legislation, marriages in which one of the partners was under 18 years of age would be subject to court approval, with judges being required, inter alia, to assess minors' understanding of the implications of marriage and ensure that they were not under any pressure. Civil and de facto unions involving minors would also be subject to scrutiny. Awareness-raising in the community would be needed to make those provisions workable, however, as would training.

60. **Ms. Halperin-Kaddari** said that she had heard from alternative sources that use of the term "family harm", which had apparently been adopted by the police, had in fact been endorsed by a multi-agency Government team. Would the Government be sending out a strong message, perhaps as part of the family court system review, that use of such language should be avoided?

61. **Ms. Logie** (New Zealand) said that she had not been aware of that problem and would raise the issue with the relevant persons. She thanked Committee members for their

observations and suggestions and assured them that New Zealand would work hard to address the recommendations issued in the concluding observations.

The meeting rose at 5.05 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Seventieth session

Summary record of the 1618th meeting
Held at the Palais des Nations, Geneva, on Friday, 13 July 2018, at 10 a.m.

Chair: Ms. Chalal (Vice-Chair)

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Combined second and third periodic reports of the Cook Islands

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In the absence of Ms. Leinarte, Ms. Chalal (Vice-Chair) took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined second and third periodic reports of the Cook Islands
(CEDAW/C/COK/2-3; CEDAW/C/COK/Q/2-3 and CEDAW/C/COK/Q/2-3/Add.1)

1. *At the invitation of the Chair, the delegation of the Cook Islands took places at the Committee table.*

2. **Ms. Rattle** (Cook Islands), introducing her country's combined second and third periodic reports (CEDAW/C/COK/2-3), said that her Government remained committed to upholding the provisions of the Convention and had introduced a series of measures to achieve gender equality and promote the advancement of women's rights, including through the National Policy on Gender Equality and Women's Empowerment and the attendant five-year Strategic Plan of Action. Numerous task forces consisting of key Government and civil society representatives had also been established with a view to encouraging gender mainstreaming efforts, promoting women's economic empowerment, strengthening women's participation in political and public life and addressing gender-based violence. Mock parliaments for women and girls had also been held with the aim of identifying potential women leaders. The effectiveness of all those efforts had been demonstrated by the appointment of a woman to head the Ministry for Internal Affairs, the increase in the total number of women holding ministerial level positions following the recent 2018 elections and the marked rise in the number of women standing for election. Further affirmative action would, however, be required to increase women's overall participation and representation at all levels of government.

3. Other notable successes had included the launch of the five-year Strategic Plan of Action of the Cook Islands Women and Girls with Disabilities Organization and the introduction of six weeks' paid maternity leave. Efforts were also underway to guarantee women's rights to justice and a life free from violence, including through the Convention's incorporation into the Family Protection and Support Act of 2017, the launch of a women-focused legal aid programme, and the establishment of a sexual and gender-based violence working group. Despite the significant progress made in combating gender-based violence against women, further action was needed to streamline the complaints process, strengthen victim support services and increase the conviction rate for cases of sexual violence. Work to consolidate the progress made towards upholding women's rights and attaining gender equality in other areas of life would also continue, including by improving the participation of women and girls with disabilities, strengthening women-focused sexual and reproductive health services and facilitating access to quality health-care services for rural women. The continued support of civil society and the international community would be vital to that end.

Articles 1 to 6

4. **Ms. Manalo** said that she would like to know what barriers had hindered the Government's attempts to incorporate into the Constitution a definition of discrimination against women in line with article 1 of the Convention. In that context, it would be interesting to learn which articles of the Convention had already been incorporated into national legislation and the timeline for incorporating the remaining articles. She also wished to know what steps had been taken to overcome the obstacles to the development of gender-responsive programmes and the collection of sex-disaggregated data, pursuant to the Committee's general recommendation No. 9 on statistical data concerning the situation of women. Similarly, it would be helpful to learn whether the 2016–2020 National Sustainable Development Plan had taken into account the targets of Sustainable Development Goal 5 on gender equality and how gender had been mainstreamed across all areas of sustainable development policy.

5. In view of the fact that the Office of the Ombudsman continued to monitor the national human rights situation alongside its other functions, she wondered what progress

had been made towards establishing a dedicated national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). She would also appreciate further information on the number of human rights violations against women that had been referred to the Office of the Ombudsman and the results of the investigations into those cases. Lastly, she wished to know what efforts had been made to involve women in international efforts to promote the women, peace and security agenda.

6. **Ms. Rattle** (Cook Islands) said that, while there were no plans to amend the Constitution, efforts had been made, as part of the Law Reform Programme, to incorporate the provisions of the Convention into new and existing legislation, including, most recently, the Employment Relations Act of 2012 and the Family Law Bill of 2015. There had also been instances of the courts referring to the provisions of international human rights conventions in their judgments.

7. **Ms. Pokura** (Cook Islands) said that the high turnover of civil servants remained one of the biggest obstacles to the development of gender-responsive programmes. The Government therefore organized regular gender mainstreaming training sessions for new government officials in order to increase their awareness of the concept and encourage the inclusion of a gender perspective in all national programmes and policies.

8. **Ms. Herman** (Cook Islands) said that the Government had reflected the provisions of Sustainable Development Goal 5 in goal 9 of the 2016–2020 National Sustainable Development Plan and that it was committed to collecting sex-disaggregated data to monitor progress in that regard. Sex-disaggregated data were currently collected via the national census and annual labour force and household income surveys. Each government department also collected subject-specific data. The Government intended to take additional steps to improve the collection and analysis of the specific sex-disaggregated data required to monitor the implementation of the Convention.

9. **Ms. Numanga** (Cook Islands) said that the Office of the Ombudsman remained in charge of receiving complaints of human rights violations against women. Up-to-date statistics on the number of complaints received since 2011 were unfortunately not currently available. Consultations regarding the establishment of a national human rights institution had been held with representatives from the southern group of islands in 2017 and the outcomes of those discussions had been presented to Parliament. Further consultations on the matter would shortly be organized with representatives from the northern group of islands, with a view to establishing a national human rights institution by the end of 2018.

10. **Ms. Rattle** (Cook Islands) said that the Government was gradually incorporating the Convention into national legislation, amending laws as and when they came up for review. The Family Protection and Support Act of 2017 and the Employment Relations Act of 2012 had already been modified; the Marriages Act of 1973 and the Crimes Act of 1969 were in the process of being reviewed. Provisions that would permit abortions in certain circumstances were expected to be introduced to the new text of the latter Act.

11. **Ms. Narain** said she was surprised that the Cook Islands was not yet a party to several of the core international human rights conventions, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. She wished to know why that was the case; whether there were plans to ratify those instruments; and, if so, whether a specific timeline for doing so had been established. Noting that the women-focused legal aid programme was limited to providing legal advice and advocacy to victims of domestic violence, she wondered whether there were plans to extend the programme to cover claims of discrimination and whether legal aid was available for appeals to the country's highest court, the Privy Council.

12. **Ms. Rossette-Cazel** (Cook Islands) said that her country was a party to the Convention on the Rights of the Child, among others. Having recently joined the International Labour Organization (ILO), it had also ratified several of the core ILO conventions. The process of becoming a party to an international convention was quite involved and it often took several years to thoroughly examine, update and introduce appropriate legislation. Traditional leaders also had to be consulted and their views taken into account before legislation could be amended. As a result, it was likely to be three more

years before the legal reforms to bring legislation into line with the Convention were completed. Any recommendations on how to accelerate the process would be welcome.

13. **Ms. Schulz** said that she wondered whether the Government intended to amend the Constitution to guarantee economic, social and cultural rights.

14. **Ms. Rattle** (Cook Islands) said that the Government had no current plans to amend the Constitution; fundamental human rights and freedoms were already protected under article 64. Any gaps in the protection of women's rights would be bridged as and when legislation was reviewed and amended.

15. **Ms. Bethel**, noting that the Gender Development Division had been merged with the Social Policy and Services Division in 2016, giving the latter Division responsibility for a very wide portfolio, asked whether the merged Division had seen any improvements in the delivery of its priorities and objectives; whether it had the structure, authority and human and financial resources to be truly effective; and whether it had decision-making powers. With just two senior officers dedicated to implementing the National Policy on Gender Equality and Women's Empowerment, she wondered how many support staff they could count on; whether those staff had sufficient capacity to carry out gender analyses of government policy and formulate appropriate programmes; and what technical resources were available to help them to carry out the necessary work.

16. She would be interested to know why the National Policy on Gender Equality and Women's Empowerment had only been partially implemented; what the findings of an evaluation of the Policy had been; how often the State party's gender equality priorities had been reviewed and its targets and priorities reassessed; and whether a new policy supported by adequate funding and technical expertise was envisaged now that the first had come to an end. She would like to know what effect the memorandums of understanding signed between the Ministry of Internal Affairs and non-governmental organizations (NGOs) had had on improving women's economic empowerment, which was one of the priority areas covered by the Policy. Lastly, she asked whether the State party planned to strengthen institutional services for women and improve the dissemination of information and provision of services and programmes provided by the Division, in particular to women living in the outer islands.

17. **Ms. Herman** (Cook Islands) said that, as the Cook Islands had a population of just 17,000, which was smaller than that of many microstates, it was almost impossible to establish separate ministries to deal with issues such as women's or children's affairs, which was why those portfolios were covered by the Ministry of Internal Affairs. Moreover, with just 2,000 government employees, it was rare for officials to specialize in just one issue. In truth, the system worked well; activities and policies could be reviewed on a weekly basis, which enabled officials to improve gender mainstreaming and ensure that the gender perspective was integrated at all times. The current approach also helped to foster strong cultural and community values and engender close ties between the Government and NGOs, not only through financial support but also through active participation in their work and the provision of technical assistance. That said, the possibility of designating separate ministers for each social issue could be worth considering.

18. **Ms. Pokura** (Cook Islands) said that the reassessment of the National Policy on Gender Equality and Women's Empowerment had found that activities in just two of the priority areas — namely domestic violence and economic empowerment — had been implemented, mainly due to the fact that most of the donor partners involved worked in those areas. However, activities in another priority area — health — had now been initiated by the Ministry of Health. Factors accounting for the partial implementation of the Policy included a high staff-turnover rate and an overambitious forecast as to the number of actions that could realistically be achieved.

19. The lessons to be drawn from the previous National Policy on Gender Equality and Women's Empowerment had been learned. Implementation of the updated policy would be based on memorandums of understanding with all government ministries so as to ensure participation and accountability. Focal points were set to be established in each ministry in order to increase the number of people actively working on the policy's implementation and

providing appropriate training. In that connection, she wished to note that the memorandums of understanding signed with NGOs had helped to improve access to the labour market for women artisans living in the outer islands.

20. The merger of the Gender Development Division and the Social Policy and Services Division had resulted in a more cross-cutting and unified approach. Following the decision to place all social issues, such as women's affairs, persons with disabilities and children and youth, under the umbrella of the merged Social Policy and Services Division, a greater and more consistent number of support staff had become available.

21. **Ms. Schulz** said that she wondered whether the purpose and nature of temporary special measures had been fully understood by the State party. Temporary special measures were aimed at accelerating de facto equality between men and women and were implemented for the achievement of specific objectives. The programmes described in paragraphs 139 to 151 of the State party's report, concerning temporary special measures, did not meet those criteria, whereas the short-term recruitment of a gender statistician to centralize and improve the management and quality of gender-disaggregated data, as mentioned in paragraph 102 of the report, would qualify. She therefore wished to know whether the State party intended to make further use of temporary special measures in areas in which women were particularly underrepresented or disadvantaged, such as in the fields of health, education and employment. For example, temporary special measures could help to address the gap between women's and girls' academic success and their access to the labour market or leadership roles. Temporary special measures could also be useful in overcoming some of the difficulties faced by women living in the outer islands.

22. **Ms. Rattle** (Cook Islands) said it was fair to say that the nature and purpose of temporary special measures were not fully understood, beyond the concept of increasing women's representation in political life. However, a number of health-related initiatives, including breast cancer screening, had been organized specifically for women living in the outer islands.

23. **Ms. Schulz** said that breast cancer screening would not qualify as a temporary special measure since it was part and parcel of the Government's duty to provide health services to persons in the outer islands. Temporary special measures were intended to address a specific problem and were abandoned once the objective had been achieved. She recommended that the State party should raise awareness of the meaning and scope of temporary special measures in order to facilitate their use in various areas of life, including to increase women's political representation.

24. **Ms. Bethel** said that it was important to assess the successes and failures of the National Policy on Gender Equality and Women's Empowerment and its corresponding Strategic Plan of Action, in particular since four of the six priorities had not been implemented. She would be interested to know what those four priorities had consisted of and how they would be addressed in the updated policy and plan.

25. She would also like to know more about the National Steering Committee and the Cook Islands National Council of Women. In particular, she wondered what their specific functions were; how they were involved in the advancement of women and women's rights; and to what extent they were integrated into the Social Policy and Services Division.

26. **Ms. Pokura** (Cook Islands) said that the Steering Committee had been established to provide a space for the heads of ministries to come together to monitor progress in gender equality policy implementation in their areas of responsibility. It had, however, proved challenging to ensure the presence of the heads of every ministry at meetings. The National Council of Women was the Government's civil society partner in implementing the activities envisaged in each of the six areas prioritized under the National Policy on Gender Equality and Women's Empowerment. Gender mainstreaming was among the four policy areas in which progress had not been made during the 2011–2016 period; thus, since gender mainstreaming was an area that the Government wished to develop in the new policy, discussions as to how progress might be facilitated, for example, by placing a focal point in each ministry, were under way. The other areas in which progress had not been achieved were: improving women's capacity to address health issues; improving their capacity to contribute to climate change adaptation strategies; and the equitable

participation of women and men in decision-making and governance systems. After extensive consultations, changes were beginning to be introduced into the policies on women's health and climate change.

27. **Ms. Herman** (Cook Islands) said that, rather than having separate Steering Committee meetings for each social policy area, the Government had decided to establish a National Social Council, composed of all 13 heads of ministries. The Social Council's agenda would encompass all social policy areas, allowing the ministers' time to discuss progress achieved in each. The main reason for which only 50 per cent of the actions envisaged under the previous National Policy on Gender Equality and Women's Empowerment had been implemented was that the Cook Islands had been overambitious in adopting 170 actions and objectives. The new action plan would be more focused on key priorities and issues.

28. **Ms. Rana** said that she would be grateful for information about the strategies in place to combat discriminatory and gender stereotypical representations of women. Noting that the State party's report mentioned a Media Council that moderated media content and oversaw implementation of a code of ethics for journalists, she asked what training the Media Council provided; whether it covered violence against women and gender-sensitive reporting; whether the possibility of adopting a gender code of ethics was under consideration; what the current composition of the Council was; whether it was independent; what sort of reports it produced, and how often; and whether those reports addressed gender issues and the media portrayal and objectification of women. She would also appreciate details of the new approach to gender in the media that the Government would apparently be adopting, as well as further information about its efforts to raise awareness of gender issues, disseminate information about gender empowerment and ensure that women understood their right to information and were able to access it without difficulty. Noting lastly that many women were reportedly subjected to various forms of physical, sexual and psychological violence by their partners, and that such patterns of behaviour could not be addressed without involving men and boys, she asked what the State party was doing to engage men in the development and implementation of measures to combat violence against women.

29. **Ms. Acar**, noting that the State party's report addressed gender-based violence not under article 5 of the Convention, but under article 12, on health, said that while violence against women was a public health issue, it was first and foremost an issue of discrimination and gender inequality. For that reason, it was vital that policies reflected the intrinsic connection between violence against women and failure to achieve gender equality. She was concerned that, despite a fairly high incidence of domestic violence, reporting rates were low, especially when sexual violence was involved, suggesting that such violence was still considered a private affair. She would like to know what was being done to change that particular stereotypical attitude. Data on the number of cases brought under the new legislation and the number of women's shelters available, as well as details of the training provided to shelter staff, would also be helpful. She urged the Government to consider adopting a comprehensive national strategy to address all forms of violence against women, as the Committee had suggested in its concluding comments on the State party's initial report (CEDAW/C/COK/CO/1). It would be interesting to know how it might approach that challenge, given that, at present, the main protective provisions for women exposed to violence were those of the Family Protection and Support Act of 2017, which did not cover all forms of violence against women.

30. **Ms. Rana** said that she would like to know when the review of the Crimes Act of 1969 would be completed and whether sex work would be decriminalized as a result. Noting the lack of information on sex tourism and trafficking provided in the report, and in view of the increase in tourism in the Cook Islands and the proven link between increased tourism and increased demand for prostitution, she asked whether the Government was considering pre-emptive measures to prevent an attendant increase in prostitution. With that in mind, she would like to know more about the planned study of sex tourism, including the timelines. She also wished to know whether sex workers who were victims of violence, sexual abuse or exploitation reported the abuse to the authorities. Was support provided to women who reported such abuse or were they reluctant to come forward for fear of facing

criminal charges? And did judges, police officers and other law enforcement officials receive training to ensure that investigations and prosecutions of trafficking and related offences involving women and girls were gender-sensitive? Lastly, she wondered whether any exit programmes would be implemented for women looking to leave prostitution; and whether awareness-raising programmes would be used to help to eliminate demand for prostitution and the objectification of women and girls.

31. **Ms. Pokura** (Cook Islands) said that media campaigns and awareness-raising programmes addressing those issues were organized by the Ministry for Health, as that Ministry had funding for such campaigns and had already produced materials that could be used in radio and television broadcasts. With regard to the low reporting rate for domestic violence and sexual abuse, a recent family health and safety study had found that women were reluctant to draw attention to the problem due to a desire to keep peace within the family and maintain the family's good name. Efforts to establish a council of men to address the issue of gender violence had not yet borne fruit, but the 16-day activism campaign against gender violence had brought together many organizations and agencies, including the Council of Women and the police force. The Cook Islands did not have a structure of staffed shelters for women. Shelter was traditionally provided to women victims of violence on a compassionate and voluntary basis. However, the Government had established a working group to develop a comprehensive approach to sexual and gender-based violence, which would address that issue, among others.

32. **Ms. Herman** (Cook Islands) said that the Family Protection and Support Act of 2017 had had a lengthy 10-year gestation period, largely owing to resistance arising from stereotypical attitudes and the great distance between the southern group and the northern group of islands. The length of its gestation had, however, ensured its high quality. To facilitate reporting, the Act provided that women could report sexual and gender-based violence by text message or telephone, without needing to go through a lawyer, and reporting forms were designed to be very easy to complete. Since December 2017, 18 reports had been received, which was a marked increase. In the absence of shelters, churches and other communal buildings were used to host discussions with men and women about how to ensure respectful treatment and avoid physically, emotionally and psychologically harmful behaviour. Traditionally, the family was responsible for providing care and holding family group conferences to seek agreements and solutions to problems. The Government was aware that increasing tourism, and the attendant rise in foreign workers coming to the Cook Islands to serve the tourism industry, could increase demand for prostitution, and it would be proactive in its efforts to address that situation. Exit strategies for prostitutes wishing to leave sex work might be considered, should they become necessary.

33. **Ms. Rana** said that adopting a broader perspective in communications, and involving other ministries rather than centralizing efforts and budgets within the Ministry of Health, might be beneficial.

34. **Ms. Acar** said that the absence of shelters meant that there was a lack of proper support services for women. Furthermore, a family protection law did not necessarily provide full protection for women; where gender equality was wanting, the family could be the first barrier to overcome. The Government should review those issues and consider developing a new law encompassing all aspects of gender-based violence.

35. **Ms. Manalo**, supporting Ms. Acar's suggestion, said that a new law explicitly prohibiting all forms of violence against women would serve to give effect to article 64 of the Constitution. Article 64 provided protection against discrimination on the grounds of sex — and violence against women certainly constituted discrimination — yet apparently no cases had been brought to court under that article.

36. **Ms. Narain** said she feared that the use of family and community conflict resolution mechanisms could tend to favour men. Unless safeguards that protected women's rights were built into such informal structures, a stand-alone law on all violence against women was the best way forward.

37. **Ms. Rattle** (Cook Islands) said that the issue of women's shelters had been under discussion for many years. However, the culture in the Cook Islands was to provide care

within the community; there were no homes for children or even for older persons. The figures for reported cases of domestic violence showed that progress was being made. Whereas in the past, neighbours would ignore evidence of such violence on the grounds that it was a private matter, they were now starting to report incidents, just as they would report any other criminal activity witnessed. The delegation would raise the idea of a stand-alone law on violence against women upon its return home.

38. **Ms. Herman** (Cook Islands) said that the Crimes Act of 2017 criminalized gender-based sexual violence and female genital mutilation. Although the latter was not present in the Cook Islands, the Government wished to make certain that the country did not become a safe haven for such practices in the future. The Family Protection and Support Act of 2017 had replaced three separate antiquated laws under which women and children had been treated as possessions. The new Act did serve to uphold women's rights but the Government could certainly make further progress in that area.

39. **Ms. Manalo** asked whether any cases concerning violence against women had been brought before the courts; and whether there were any court decisions that might serve as precedents to encourage women to file complaints.

40. **Ms. Hofmeister** said that family violence in the private sphere was a widespread problem with repercussions for the dignity of both women and children. It should not be considered a private problem; it was a matter for the State.

41. **Ms. Rattle** (Cook Islands) said that she fully supported those observations and the Government would give the issues due consideration.

42. **Ms. Herman** (Cook Islands) said that, despite the confidentiality agreements in place, there were trust-related problems associated with procedures for reporting violence against women; because of the nation's small population, there was often a connection of some sort between the public officials who received the complaints and the complainants. Women therefore more readily accepted counselling from representatives of NGOs working in the field of violence against women who came to the Cook Islands to deliver technical assistance. The Cook Islands Media Council was an independent body composed of representatives of the small number of radio stations, television channels and newspapers operating in the Cook Islands. The Council included a representative of the judiciary.

Articles 7 to 9

43. **Ms. Schulz** asked how many women had been elected to Parliament following the 2018 general election and how many of them held ministerial portfolios, in comparison with the previous Government. She asked what measures had been taken to ensure an increase in women's representation as members and chairs of the outer islands councils since the termination of the Commonwealth Local Governance Fund project in 2013. She would like information on measures taken to systematically increase women's representation in senior management in the public sector, including updated figures showing the current situation, and on measures to increase women's representation in the judiciary and judicial institutions. She wondered whether the Government would adopt temporary special measures through a Constitutional amendment or statutory provision to ensure a gender balance in Parliament or whether other measures would be taken to secure the same result. She would also like to know how the electoral management body incorporated the principles of gender equality into civic engagement activities; how it ensured that information on women's right to participate in political and public life reached men and women equally; whether measures would be taken to ensure a gender balance in appointments to government boards and senior-level government posts; and whether the Government would support the Women Parliamentarians Caucus in developing temporary special measures to ensure women's equal representation. Lastly, she asked how many women currently held positions in the House of *Ariki* (traditional chiefs) and the *Koutu Nui* (subchiefs); whether those institutions contributed to advancements in gender equality; and how their contributions might be enhanced.

44. **Ms. Narain** asked whether, under the Citizenship Act, men and women had equal rights to transfer their nationality to their children. She would also like to know how women migrants' rights were being protected while the new immigration policy was still

being formulated; whether public consultations on the new immigration policy had been completed; whether consultations had also been held with NGOs, civil society and representatives of women migrants; and what safeguards the draft immigration policy contained to ensure equality for women migrants. Could women migrants acquire citizenship on an equal footing with men?

45. **Ms. Rattle** (Cook Islands) said that the outer islands had established independent island councils pursuant to the Outer Islands Local Government Act of 1987, which did not provide for temporary special measures to be used to increase women's representation. The electoral councils of three islands included women representatives, including one mayor and a deputy mayor. The possibility of revising the Electoral Act of 2004 with a view to boosting women's representation had been discussed. Men as well as women participated in the Women Parliamentarians Caucus, the aim being to engage men in women's rights initiatives. The main points currently being discussed before the Caucus were the adoption of a gender-sensitive State budget and women's participation in select government committees. At present four members of Parliament were women. Traditionally, there had been more women than men in the House of *Ariki* and the *Koutu Nui* as gender was not a barrier to inheriting the traditional titles that conferred membership of those bodies. Environmental conservation and protection were the main concerns the bodies generally took up with the Government.

46. The 2018 general elections had resulted in a hung parliament. A number of electoral petitions challenging the results had been filed and the new Parliament would not sit for the first time until the outcome of those petitions had been finalized.

47. **Ms. Rossette-Cazel** (Cook Islands) said that the Cook Islands were in free association within the Realm of New Zealand and that, under the Constitution, all Cook Islanders had New Zealand citizenship. Men and women, on an equal footing, could transfer New Zealand nationality and Cook Island permanent residential status to their children.

48. **Ms. Schulz** asked how many women were represented in the current coalition Government and how many women held positions in the other political parties. She hoped that the Women Parliamentarians Caucus would encourage the use of temporary special measures to increase the number of women elected to Parliament. Devolved local authorities were not exempt from the obligation to apply the Convention and it was therefore also important to address the issue of women's representation on the outer islands. She wondered whether the voices of the women in the House of *Ariki* and the *Koutu Nui* were heard clearly.

49. **Ms. Rattle** (Cook Islands) said that although there had been no increase in the number of women elected to Parliament, a greater number of women had nevertheless stood for office, which indicated that change was imminent. As Speaker of the House, she herself held an appointed, not elected, position. There were three women in the opposition party, one of whom had been assigned the ministerial portfolios for health, justice and parliament. It would have been reasonable to assume that the traditional gender mix of the House of *Ariki* and the *Koutu Nui* would have been reflected in strong leadership by women and a more even gender balance elsewhere, including within the formal system, but unfortunately that had not been the case.

Articles 10 to 14

50. **Ms. Arocha Domínguez** asked to what extent data and indicators were used by the State party to measure advances in women's and girls' access to education and monitor any obstacles that remained. She would like to know how many children had benefited from the inclusive education policy; how many remained to be incorporated into mainstream schools; and what prevented their inclusion. In view of the increase in remote and digital teaching, she wondered what was being done to develop a comprehensive policy to gauge and ultimately prevent the use of school materials that endorsed gender stereotypes and to ensure that children and adolescents received adequate sex education. In that connection, she wished to know how many pregnant girls of school age had benefited from measures to ensure that they continued their education and what forms of support they had received. She

would also like to know whether there were incentives for girls who obtained grants to study abroad to take up male-oriented subjects, such as science, technology and mathematics; and whether vocational training provided abroad was linked to the needs of the domestic job market so as to encourage students to return home and guarantee that work was available for them.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1619

Convention on the Elimination of All Forms of Discrimination against Women

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Seventieth session

Summary record of the 1619th meeting
Held at the Palais des Nations, Geneva, on Friday, 13 July 2018, at 3 p.m.

Chair: Mr. Chalal (Vice-Chair)

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Combined second and third periodic reports of the Cook Islands (*continued*)

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In the absence of Ms. Leinarte, Ms. Chalal, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined second and third periodic reports of the Cook Islands (*continued*) (CEDAW/C/COK/2-3; CEDAW/C/COK/Q/2-3 and CEDAW/C/COK/Q/2-3/Add.1)

1. *At the invitation of the Chair, the delegation of the Cook Islands took places at the Committee table.*

Articles 10 to 14 (*continued*)

2. **Ms. Gbedemah**, recalling that, in its concluding comments on the State party's initial report (CEDAW/C/COK/CO/1, para. 32), the Committee had expressed concerns about resistance from the Chamber of Commerce to an amendment to the Employment Relations Act of 2012 that provided for maternity protections, said that, since the amendment had still not been enacted, she would be interested to learn which parties were currently responsible for the delay and what measures had been taken to engage with those parties. Urgent action was required to pass the amendment and establish in domestic law a maternity leave period in line with the requirements of the International Labour Organization (ILO) Maternity Protection Convention, 2000 (No. 183). She wondered whether the State party would review its maternity legislation to combine prenatal and postnatal maternity leave into a single period, and to allow appropriate forms of certification other than medical certificates, in line with ILO Convention No. 183; whether the State party would consider introducing breastfeeding or nursing breaks for working mothers into its legislation, in accordance with ILO standards; and whether it would consider increasing paternity leave.

3. Statistics showed that women's participation in the labour force was 10 per cent lower than that of men, and that more women held part-time jobs. It would be interesting to hear whether the State party had assessed the impact of that situation on women's pensions and whether it had considered incorporating the informal sector into the social security system so that women could benefit from the same entitlements. Noting that the lack of affordable childcare posed a major obstacle to women joining the labour market, she wondered whether the State party would establish a public childcare system or introduce universal standards and policies to provide for flexible working hours. With regard to the issue of vertical segregation in the workplace, she would appreciate an explanation as to how the State party ensured that employment opportunities in non-traditional sectors were open to women; and what the outcome of any measures adopted to promote such opportunities had been. Information about the current gender pay gap and the measures taken to reduce it, as well as information on the situation of migrant workers in the country, would likewise be useful. Lastly, noting that the State party had introduced legal provisions against sexual harassment, she asked how many complaints of harassment had been received and how they had been handled.

4. **The Chair**, speaking in her capacity as an expert, said that she would appreciate information on the concrete measures adopted to enable women to make informed decisions concerning their reproductive rights and to ensure access to the necessary health-care services. It would be helpful to hear about the research into women's health that had been carried out to inform medical practice, including the conclusions reached and the use made of the findings. In view of the reproductive health issues that adolescents faced, she would be interested to learn what specific measures the State party had taken to ensure that all women and girls had access to quality sexual and reproductive health services, including age-appropriate sex education and affordable contraception; whether awareness-raising campaigns on the prevention of early pregnancy and sexually transmitted diseases had been carried out in the local languages; and what measures other than sex education had been introduced in schools to respond to young people's sexual and reproductive health issues. Given the prevalence of early and unplanned pregnancies, it would be interesting to know

whether the Government intended to remove the requirement for girls under the age of 16 years old to have parental consent to obtain contraception.

5. The high suicide rate and unequal access to mental health care were causes for concern. She wondered whether any research had been conducted to ascertain the root causes and the extent of those problems. Given that the country's scattered and remote island territory made transporting goods and supplies difficult, which in turn restricted women's access to health care, she would like to know whether the Government intended to introduce programmes, possibly including temporary special measures, that would ensure the availability of sufficient technical, financial and human resources to guarantee access to health care for all women throughout the territory. She also wished to know the extent to which the planned amendments to the Crimes Act of 1969 would decriminalize abortion. For example, would the grounds for legal abortions be extended to include cases where pregnancy posed serious physical and mental health risks for the mother and child? Details of the time frame for adopting those amendments would also be useful.

6. **Ms. Herman** (Cook Islands) said that goal 8 of the National Sustainable Development Plan was to have an inclusive, equitable and high quality education system that promoted lifelong learning opportunities. The indicators being used to track progress towards that goal included increased literacy and numeracy, higher enrolment rates in early childhood education and improved academic achievement at the secondary school level. One of the eight subjects covered by the Cook Islands primary school curriculum was health and physical well-being, which included sex education. Teachers received training on that topic and were monitored by the Ministry of Education. The New Zealand school curriculum was taught at the secondary level, although sex education programmes were adapted to reflect the culture and needs of the people of the Cook Islands. Education statistics for the whole country were collected and analysed on a yearly basis, and used to compile reports in line with international reporting requirements, including those set under the 2030 Agenda for Sustainable Development. Schools collected data on the number of pregnant teenagers and the number who returned to school after giving birth. Under the Education Act of 2012, it was illegal to exclude girls who became pregnant from school. It was common practice for the entire family to assist in raising children, allowing young mothers to return to school. A total of 70 students with disabilities were enrolled in the school system, 23 of whom were girls. Since the community was small, the needs and background of all those children were widely known. With regard to the school population in general, girls outperformed boys at most levels and remained in school for longer.

7. There were many cases of women returning to the Cook Islands and assuming leadership positions after studying abroad; at present, six of the seven executive heads of ministries were women who had studied abroad. Furthermore, three of those women were below the age of 40 years old. Nevertheless, she recognized that large numbers of educated Cook Island women chose to stay in New Zealand because of the higher pay on offer, which was a problem for the country's advancement.

8. Women were entitled to six weeks of maternity leave under the Employment Relations Act of 2012. As far as she was aware, leave could be taken either before or after the birth. The amendments to the Employment Relations Act were complex and required parallel consideration of occupational health and safety regulations, employer liability insurance and the workers' compensation scheme, as well as consultation with all levels of government. Although the country received technical assistance from ILO, the small size of its Labour Division had resulted in delays in passing the amendments. Furthermore, the current focus was on ratifying various ILO conventions, including the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), which had recently been ratified. Nationwide consultations were currently under way for occupational health and safety reform and the Government would start drafting that legislation within the coming 12 months. She was unaware of any changes to the Employment Relations Act that would recognize forms of certification other than medical certificates when granting maternity leave.

9. There was no legal provision for breastfeeding or nursing breaks for working mothers. However, it was generally accepted that working mothers could leave the

workplace to breastfeed, or arrive late or leave early to care for their children. Most places of work were family-friendly and had spaces for children. Childcare was expensive and unaffordable for the general population and parents often relied on other family members for support. The Ministry of Internal Affairs had indicated that it would adopt a childcare policy after assessing whether or not the State should provide direct funding to childcare facilities and after considering a formal accreditation process for such facilities.

10. The public sector had adopted a gender-sensitive approach to recruitment, though no progress had been made in that regard in the private sector. Research to evaluate the gender pay gap had not yet been conducted. In the meantime, individual employees were entitled to negotiate wages with their employers. Section 56 of the Employment Relations Act of 2012 prohibited sexual harassment. The State party would raise awareness of that provision as the next step since no complaints had yet been filed.

11. The number of migrant workers in the country had increased significantly owing to the burgeoning tourism sector. Migrant workers mainly held low-paid jobs and were often marginalized from society. The country's immigration policy was under review to ensure that they were treated fairly.

12. **Ms. Rattle** (Cook Islands) said that the Cook Islands Family Welfare Association, an affiliate of the International Planned Parenthood Federation, worked closely with the Ministry of Health. The Association educated women about contraception and ran a clinic that conducted sexual health examinations for women. Other health clinics were available across the islands, providing postnatal care and vaccinations, inter alia. The Association also played a role in teaching sex education in schools. Young people could obtain contraception from the clinics and other distribution points. Although no doctors were available on the remote islands, medical care was provided by nurses who maintained close contact with doctors on the mainland.

13. The *Te Kainga* Mental Health and Wellbeing Centre provided respite care for the families of persons with intellectual disabilities. Suicide was a major concern and the Centre provided support to the families of persons who had committed suicide. As the Speaker of Parliament, she herself had recently organized a debate which had brought members of the community together to openly discuss mental health issues, including suicide. The debate had involved medical professionals and victims of mental illness, and had encouraged those suffering from mental illness and members of their families to speak out and seek assistance.

14. Abortion was illegal under the current Crimes Act, enacted in 1969. The Crimes Act Amendment Bill of 2017 would decriminalize abortion only under certain circumstances within the first 20 weeks of pregnancy. Consultations on the Bill had been held on the main island and the southern group of islands; the northern group would be consulted when Parliament returned after the general election. The long travel times between the islands was another reason for the delays in enacting legislation. No progress had been made in introducing temporary special measures within the health sector and the State party would welcome the Committee's support in that regard.

15. **Ms. Herman** (Cook Islands) said that citizens of the Cook Islands were also New Zealand nationals, and as such were entitled to use the New Zealand health-care system. Women seeking an abortion often travelled to New Zealand, where the procedure was legal. The health of its citizens was of paramount importance to the Government of the Cook Islands. Anyone in the northern group of islands who required treatment was flown to the main island, even though, with transport costing up to $NZ 30,000, that arrangement placed a major burden on the health budget.

16. **Ms. Arocha Domínguez** said that as tourism and other developments brought change to the Cook Islands, the Government could not rely on the country's strong sense of community to address all concerns; its policies would need to be amended and developed. With that in mind, she would be interested to know what areas of the education system were considered not to be working as efficiently as they might, clear examples of such areas being sex education, persisting stereotypes and the availability of qualified teachers. She also wondered whether the Government had considered the possibility that early

pregnancy might be being indirectly encouraged, given that it was natural for the extended family to provide childcare.

17. **Ms. Gbedemah** said that she would like to know whether the State party included the unpaid care work of women in its gross domestic product, in line with the Committee's general recommendation No. 17; whether, in line with the Convention, it was advocating greater sharing of parental roles and responsibilities; and whether it had considered regulating the private childcare industry more directly. The review of maternity leave should remove the current two-week limit on leave before the expected due date. In fact, there should be no mandatory pre- and postnatal leave periods: such decisions should be agreed between the employee, employer and the woman's doctor, taking account of the type of work the woman performed. She commended the State party for ratifying some of the core ILO conventions but urged it to take steps to ratify those specifically pertaining to women.

18. **Ms. Hofmeister** said that she would like to know whether working parents in de facto relationships had the right to take parental leave.

19. **The Chair**, speaking in her capacity as an expert, said that she would like to know whether the Government intended to adopt national legislation to prohibit the sterilization of women with disabilities without their free, prior and informed consent. Further information concerning women's lack of access to mammography facilities in the outer islands was also needed.

20. **Ms. Herman**, responding to Ms. Arocha Domínguez's question about inefficiencies in the education system, said that truancy was an issue for a very small number of children. She would provide written information about those children, all of whom were under the supervision of the Ministry of Internal Affairs, after the meeting. With regard to the lack of childcare services, another option open to working mothers who did not have sufficient family support was to employ domestic workers to provide childcare. The Family Protection and Support Act recognized persons in de facto relationships as eligible for maternity and paternity leave.

21. An assessment of women's unpaid work would need to be conducted during the review of the Employment Relations Act. The Government was currently working with ILO to establish its first Decent Work Country Programme and it was hoped that, through those efforts, the Cook Islands would soon be in a position to ratify all of the eight core ILO Conventions and also to make gender-specific commitments.

22. **Ms. Numanga** said that, following recent amendments to health policy, sterilizations could not be performed on adult women with disabilities without their prior, informed consent. The women concerned were free to make their own decisions as to whether or not to undergo the procedure.

23. **Ms. Rattle** said that, since it was necessary for the Ministry of Health to pay for a radiographer to travel to the main island, women in Rarotonga who were over 40 years of age, and women from the outer islands of any age, had access to mammography screening facilities for a one week period only, approximately every two years, organized with assistance from the Breast Cancer Foundation. Referrals could, however, be made for treatment in New Zealand.

24. **Ms. Narain** said that she wondered whether benefits such as those granted to women upon the birth of a child would be maintained under the new Government and how sustainable such benefits were in the medium term. With regard to women in the outer islands, she would particularly like to know what was being done to ensure the continued success of initiatives run by non-governmental organizations (NGOs), such as training in how to start a business. Had the Government concluded memorandums of understanding with the NGOs concerned or would the services ultimately be brought under the remit of the State? Did it plan to implement measures that would help women to access financing and had it set up cooperatives to help them set up their own businesses? She would appreciate clarification as to the status of the Women in Sport Commission, which ran most of the existing health initiatives. Was it an NGO or a government body? Given the prevalence of lifestyle-related, non-communicable diseases in the Cook Islands, she

suggested that government incentives to encourage women and girls to become more involved in athletics were an option worth considering.

25. **Ms. Song** said that, given the associated difficulties, the extent to which rural women were able to exercise their rights was a touchstone of Governments' political will and, more generally, a gauge of the extent to which all women enjoyed their rights. Since, in the outer islands, limited access to health services and lack of transportation between islands hindered women's advancement and social and political participation, she would like to know what steps the Government was taking to improve access to the basic services, such as safe and affordable transport, that were crucial to their wellbeing and participation. Could the delegation also confirm that women in the outer islands had sufficient access to water?

26. Noting that the periodic reports omitted to mention any education, training and job opportunities for women with disabilities that might have been created under the Policy on Disability Inclusive Development 2014–2019, she asked what had been done to help women with disabilities to become agents of change and to contribute to their society, community and country; and how the Government ensured that such women were consulted during the development of national and island-level programmes, plans and products. Lastly, she asked whether women had been actively involved in the development of the 2016–2020 Joint National Action Plan II on climate change and disaster risk management; what progress had been made in implementing the "Strengthening the Resilience of our Islands and our Communities to Climate Change" programme; and, given that the programme was donor-funded, how the Government would ensure its sustainability.

27. **Ms. Herman** said that, albeit pending the outcome of the petitions mentioned in the previous meeting (CEDAW/C/SR.1618), the Government had been largely unchanged by the recent elections. During its term in office, it intended to extend the welfare system to make child benefits available to families with children up to the age of 16 years old, on condition that they remained in school, and, to ensure that the welfare system was sustainable, the Ministry of Financial and Economic Management would endeavour to improve its medium-term budgeting capacity and ability to make long-term forecasts of non-discretionary and fixed expenditure, which included welfare expenditure.

28. Young persons, including girls, had various opportunities to get involved in sport, including through the health and physical wellbeing school curriculum, which was inclusive of persons with disability; through community-level athletics and sports clubs; through New Zealand-funded netball and rugby programmes designed for both girls and boys; and through the "Just Play" initiative sponsored by the United Nations Children's Fund. The Women in Sports Commission was overseen by the Sports and National Olympic Committee, which, in turn, fell under the remit of the Youth and Sports Division of the Ministry of Internal Affairs.

29. Freight subsidies facilitated the transportation of goods to and from the outer islands, thereby promoting women's economic empowerment. In addition, the Government provided free transport, accommodation and food for all persons from the outer islands who attended the annual *Te Maeva Nui* (Independence Day) celebrations. Besides being an occasion for singing and dancing, the festival provided an opportunity for persons from the outer islands to sell their local goods and produce and acquire essential items such as refrigerators, clothing and bedding with the proceeds.

30. The 2016–2020 Joint National Action Plan II had taken around a year to develop due to the extensive consultations involved. The aim had been to encompass any and all potential and existing activities that could serve to reduce emissions and increase resilience and adaptability. The consultations had included the week-long National Brilliant Resilient Seminar, organized to coincide with the 2016 annual independence celebrations. The five-year long "Strengthening the Resilience of our Islands and our Communities to Climate Change" (SRIC-CC) programme, which had been funded by the United Nations Development Programme, had helped women to produce and market coconut oil, inter alia. To ensure the sustainability of successful projects initiated under the SRIC-CC programme, which had now come to an end, the *Pa Enua* Action for Resilient Livelihoods (PEARL)

programme had been established. Under other agricultural initiatives, women had received assistance in introducing entirely new produce, such as apples and broccoli, in a tropical climate and in a previously male-dominated industry.

31. **Ms. Numanga** (Cook Islands) said that, under a programme established by the Cook Islands Sports and National Olympic Committee, persons with disabilities participated in an annual sports event celebrated on the islands. Persons from the outer islands also participated in annual community programmes and in the biennial National Youth Conference. On five outer islands, disability centres had been established where persons with disabilities could participate in life-skills programmes and receive training in making handicrafts and cooking food products that they could then sell at weekly markets. Persons with disabilities also participated in community activities run by churches, sports associations and women's groups. Whenever government projects and significant new pieces of legislation were being drafted, the proposals were discussed at consultation meetings in which persons with disabilities, members of their families and representatives of support groups took part.

32. **Ms. Pokura** (Cook Islands) said that, in order to ensure that rural women were able to enjoy a decent standard of living, the Government had established a memorandum of understanding with the Cook Islands National Council of Women through which the Council purchased handicrafts made on the outer islands with a view to selling them on Rarotonga. The cost of shipping the products to Rarotonga was subsidized by the Government, and the Business, Trade and Investment Board provided training in how to make the handicrafts and ensure that their quality met the required standard.

33. A memorandum of understanding on domestic violence and legal aid, established in conjunction with the Cook Islands Women's Counselling Centre, was to be extended to include harassment in the workplace. A biennial National Women's Conference was held to monitor progress under the above-mentioned memorandums of understanding and enable women from the outer islands to share information and make recommendations concerning future activities. In addition, the Ministry of Internal Affairs reported to the Cabinet of Ministers and Parliament on implementation of the memorandums on an annual basis.

34. **Ms. Rattle** (Cook Islands) said that, as part of the measures taken by the Government to prepare for climate change, water tanks had been installed on the outer islands to ensure that every household had access to water. Although it had not been possible to appoint a resident doctor to provide health care to persons living on the outer islands, an air transport service took patients to Rarotonga or elsewhere if they required care that could not be provided in situ. A mentoring programme had been established through which business experts provided advice to young persons who wished to set up a business.

35. Under a formal education programme established in conjunction with the Ministry of Education, persons with disabilities had the opportunity to attend the Creative Centre in Rarotonga, where they made clothing, jewellery and pottery that they could sell to generate income. Therapeutic assistance was provided at the *Te Vaerua* Rehabilitation Centre, also in Rarotonga. Many government staff worked with non-governmental organizations on a voluntary basis outside of their working hours and funds were made available to ensure that homes were adapted to the needs of persons with disabilities.

36. **Ms. Herman** (Cook Islands) said that patients suffering from serious illnesses were quickly transported to New Zealand so that they could receive the appropriate care. On the outer islands, highly qualified nurse practitioners were trained to look after patients with a wide range of conditions. Such nurses used communications technology to consult a doctor if they needed to do so.

Articles 15 and 16

37. **Ms. Hofmeister** said that she wished to know what steps would be taken to ensure that all the articles of the Convention were incorporated into domestic law; what measures would be taken to speed up the implementation of the Family Protection and Support Act, including in the areas of budgeting, capacity-building and monitoring; what the minimum age of marriage was for girls; and how patrimonial property was divided between a married

couple when their marriage ended. It would also be interesting to learn how customary land and titles were divided when a couple divorced and how the property of persons living in de facto unions or same-sex relationships, including persons from New Zealand who held Cook Island passports, was divided if they decided to separate.

38. **Ms. Rattle** (Cook Islands) said that, although the Government was not yet able to amend the Constitution in such a way as to incorporate all the articles of the Convention, it was taking steps to ensure that all new legislation complied with the Convention. Steps were being taken to amend the minimum age for marriage, which was currently 18 years for boys and 16 years for girls.

39. **Ms. Herman** (Cook Islands) said that a plan for budgeting and implementation had been incorporated into the Family Protection and Support Act when it had been drafted. However, as the budget of the Ministry of Internal Affairs had not been increased, it had not been possible to fund all of the measures envisaged under the Act. Although the Ministry of Internal Affairs was now running certain programmes itself, including the family group conferencing mechanism, lack of funding had so far prevented the Government from establishing shelters and mechanisms for removing children from abusive family situations and placing them in safe houses. The monitoring measures envisaged under the Act had also not yet been rolled out.

40. **Ms. Rossette-Cazel** (Cook Islands) said that land in the Cook Islands could be inherited only by Cook islanders. Landowners had the right to lease their land and men and women had an equal right to inherit land from their parents. Women landowners continued to own their land when they entered into marriage and in the event that they divorced.

41. **Ms. Herman** said that, although homosexuality and same-sex relationships remained illegal under the Crimes Act Amendment Bill, a number of NGOs were campaigning to have the legal status of homosexuality reviewed.

42. **Ms. Hofmeister** said that she wished to know when the Marriage Amendment Bill would be adopted; what role religious and traditional leaders played in Cook Islands society; whether the State party fulfilled its core obligations under the Convention; what role civil family courts played in advancing women's rights and human rights in general; and whether, in the area of family matters, women trusted judges and the police.

43. **Ms. Narain** said that she wished to know whether discrimination on grounds of sexual orientation was prohibited and whether lesbian, bisexual, transgender and intersex women faced discrimination in the areas of employment, education, health services or any other area.

44. **Ms. Rattle** (Cook Islands) said that lesbian, bisexual, gay, transgender and intersex persons were accepted on the Cook Islands and did not face any discrimination. The legality of same-sex relationships would be discussed in connection with the consultations held over the Crimes Act Amendment Bill. The Marriage Amendment Bill had yet to come before Parliament, so it was not possible at present to say when it would be adopted.

45. In closing, she acknowledged that the delegation had learned a great deal about the Convention and the way that it should be interpreted. The knowledge that the delegation had acquired would be conveyed to the Prime Minister and the members of the Cabinet so that the issues identified during the constructive dialogue could be addressed. The delegation felt sure that, when the next constructive dialogue was held in four years' time, it would be able to report that significant progress had been made in the advancement of women's rights.

The meeting rose at 5 p.m.